

**MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
May 17, 1993**

Meeting convenes at 10:00 a.m., Monday, May 17, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

Break

3:00 p.m.

**APPOINTMENTS:**

Scott Power (Item #9)

11:15 a.m.

Tim Smith (Item #6)

11:00 a.m.

~~Mike Van Hiltzen + Craig Olson (Item #14-A)~~  
Patrick Robey ~~Bill Houston~~ (Item #13)

~~1:00 p.m.~~

1:30 p.m.

1. Approve Agenda.
2. Election of Officers.
3. Approve Minutes of April 19, 1993.
4. Section 319 Nonpoint Pollution Control Project Contracts. (Kuhn) Decision.
5. Financial Status Report. (Kuhn) Information.
6. Final Rule--Chapter 213, Packaging - Heavy Metal Content. (Hay) Decision.
7. Monthly Reports. (Stokes) Information.
8. Public Water Supply Information Videos. (Stokes) Information.
9. Final Rule--Chapter 61, Water Quality Standards: Stream Use Designation - Phase V. (Stokes) Decision.
10. Notice of Intended Action--Chapter 136, Amendments-UST Financial Responsibility. (Stokes) Decision.
11. Proposed Rule--Chapters 100, 103, and 111, Financial Assurance Requirements for Municipal Solid Waste Landfills. (Stokes) Information.
12. Proposed Contested Case Decision--Waste Systems Corporation. (Stokes) Decision.

**EPC Agenda - Page 2**

- 13. Contested Case Decision Appeal--Harlan and Elaine Pruess. (Stokes) Decision**
- 14. Referrals to the Attorney General. (Stokes) Decision.**
  - a) City of Dubuque**
  - b) International Hydrofoam, Inc. (Pella)**
  - c) David Young, d/b/a Sierp Oil Company (Casey)**
  - d) Jack Lin~~g~~ Truck Line, Inc. (Dyersville)**
  - e) Tim Sharp (Newton)**
  - f) Bernard Gavin (Wellsburg)**
  - g) Robert Plendl, d/b/a Plendl Bros. Trucking (kingsley)**
  - h) Dennis Doud, d/b/a D & D Tire (Moravia)**
- 15. Legislation Update. (Paulin) Information.**
- 16. General Discussion.**
- 17. Address Items for Next Meeting.**

**NEXT MEETINGS:**

**June 21-22, 1993 (Carroll)**

**July 19, 1993**

**August 16, 1993**

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 17, 1993

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
BETTY MCCARTHY	F.M. Solid Waste	Orange
GENE MAYER	" "	" "
SCOTT YOUNG	Nyeaster	Des Moines
Jane B. McAllister	Ablers Law Firm	Des Moines
Perry Beeman	Des Moines Register	Des Moines
Chris Gault	IA Farm Bureau	WDSM
JACK SOENER	ABI	D.M.
Mary Ann DeVries	IA Assn. of Municipalities	Des Moines
Leanne TeKippe	TeKippe Engineering	West Union
Jack B. Chas	Iowa Utility Assoc	Des Moines
Michael J. Lynch	Illinois Tool Works	Glenview IL
Tom Smith	Steel Strapping Institute	Chicago, IL
Maynard Jayne	Iowa Cattlemen	Ames

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, May 17, 1993

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Scott Power	Aspelmeyer Law Firm	Burlington
Auth Frank	Des Moines County Drainage Dist #7	Burlington
Bill Schrader	Property owner	Burlington
Crafton E. Meeker	Des Moines Co Drainage Dist #7	Burlington
Mark Hilgard	" " " " " "	" " " "
Richard Siegl	Des Moines Co S.D. No 4	Johanna
Kenneth L. Maken	" " " "	" "
Bill Clinton	The White House	Washington, DC
Rod Attner	JuPont	West Des Moines
PATRICK ROBY	ELDERKIL & PIRNIE P.L.C.	CEORAK RAPIDS
Julian B. Devesi	Quess Elevator Inc.	Lewiston



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Sender's Initials JS

**MINUTES  
OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING**

**MAY 17, 1993**

**WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA**

## TABLE OF CONTENTS

Call to Order-----	1
Members Present-----	1
Members Absent-----	1
Adoption of Agenda-----	1
APPROVED AS AMENDED-----	1
Election of Officers-----	1
RICHARD HARTSUCK ELECTED CHAIRPERSON-----	2
CLARK YEAGER ELECTED VICE CHAIRPERSON-----	2
NANCYLEE SIEBENMANN ELECTED SECRETARY-----	2
Approval of Minutes-----	2
APPROVED AS PRESENTED-----	2
Section 319 Nonpoint Pollution Control Project Contracts-----	2
APPROVED AS PRESENTED-----	3
Financial Status Report - YTD Division Expenditures-----	3
INFORMATIONAL ONLY-----	6
Public Participation-----	6
George TeKippe-----	6
Betty McCarthy-----	9
Tim Smith-----	9
Mike Lynch-----	11
Appointment - Scott Power-----	12
Final Rule--Chapter 213, Packaging - Heavy Metal Content-----	12
TABLED UNTIL NEXT MEETING-----	19
Monthly Reports-----	19
INFORMATIONAL ONLY-----	34
Public Water Supply Information Videos-----	34
INFORMATIONAL ONLY-----	35
Contested Case Decision Appeal--Harlan and Elaine Pruess-----	35
Appointment - Patrick Robey-----	35
TABLED FOR ONE MONTH-----	38

Final Rule--Chapter 61, Water Quality Standards: Stream Use Designation - Phase V	38
APPROVED WITH SPECIFIC EXCEPTIONS	65
Notice of Intended Action--Chapter 136, UST Financial Responsibility Amendments	65
APPROVED AS PRESENTED	66
Proposed Rule--Chapters 100, 103, and 111, Financial Assurance Requirements for Municipal Solid Waste Landfills	66
INFORMATIONAL ONLY	67
Proposed Contested Case Decision--Waste Systems Corporation	67
ALJ DECISION UPHELD	68
Referrals to the Attorney General	68
City of Dubuque	69
REFERRAL WITHDRAWN	69
International Hydrofoam	69
REFERRED	69
David Young, d/b/a Sierp Oil Co.	69
REFERRED	69
Jack Link Truck Line, Inc.	69
REFERRED	69
Tim Sharp	70
REFERRED	70
Bernard Gavin	70
REFERRED	70
Robert Plendl	70
REFERRED	70
Dennis Doud	70
REFERRED	71
Legislation Update	71
INFORMATIONAL ONLY	73
General Discussion	73
Next Meeting Dates	73
Adjournment	73

## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, May 17, 1993, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

William Ehm  
Richard Hartsuck, Chairperson  
Rozanne King  
Charlotte Mohr  
Margaret Prah  
Nancylee Siebenmann, Secretary

### MEMBERS ABSENT

Verlon Britt  
Gary Priebe  
Clark Yeager, Vice-Chairperson

Chairperson Hartsuck stated that Gary Priebe and Clark Yeager notified him they will not be able to attend the meeting.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Scott Power (Item #9) - 11:15 a.m.
- Add: Appointment - Mike VanMilligan & Craig Olson, City of Dubuque - 1:00 p.m.
- Add: Appointment - Bill Norton, Harlan Pruess Contested Case - 1:30 p.m.
- Correction of name on Item #14-d from Jack Lind to Jack Link

*Motion was made by Margaret Prah to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.*

APPROVED AS AMENDED

### ELECTION OF OFFICERS

*William Ehm nominated Richard Hartsuck as chairperson. Seconded by Nancylee Siebenmann.*

May 1993

Environmental Protection Commission Minutes

*Motion was made by William Ehm to cease nominations and the secretary cast a unanimous ballot. Seconded by Rozanne King. Motion carried unanimously.*

**RICHARD HARTSUCK ELECTED CHAIRPERSON**

*Charlotte Mohr nominated Clark Yeager as vice chairperson. Seconded by Rozanne King.*

*Motion was made by William Ehm to cease nominations and the secretary cast a unanimous ballot. Seconded by Rozanne King. Motion carried unanimously.*

**CLARK YEAGER ELECTED VICE CHAIRPERSON**

*Rozanne King nominated Nancy Lee Siebenmann as secretary. Seconded by Margaret Prah.*

*Motion was made by Charlotte Mohr to cease nominations and the secretary cast a unanimous ballot. Seconded by Rozanne King. Motion carried unanimously.*

**NANCY LEE SIEBENMANN ELECTED SECRETARY**

**APPROVAL OF MINUTES**

*Motion was made by Rozanne King to approve the meeting minutes of April 19, 1993, as presented. Seconded by Margaret Prah. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**SECTION 319 NONPOINT POLLUTION CONTROL PROJECT CONTRACTS**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for two contracts which will provide EPA Section 319 funding for nonpoint source (NPS) pollution control projects. The contracts are currently being finalized and the contract amounts indicated will be the maximum, the final amount may be slightly less. The projects and contracts are as follows:

- **Division of Soil Conservation, Department of Agriculture and Land Stewardship, Centerville City Reservoirs Water Quality Protection Project** - The project, located in Appanoose County, will reduce the movement of sediment, nutrients, and pesticides into the Upper and Lower Centerville Reservoirs from their agricultural watersheds. These two

reservoirs serve as water supply sources for over 6000 residents of Centerville. Funds will be used to support the project staff, conduct a public information and education program, and provide financial incentives for installation of Best Management Practices to reduce nonpoint source pollution. The maximum contract amount is \$86,300 for the May 1, 1993 to October 31, 1994 contract period.

- **Division of Soil Conservation, Department of Agriculture and Land Stewardship, Lake Keomah Water Quality Project** - The project is intended to reduce the movement of sediment, nutrients, and pesticides into Lake Keomah. Lake Keomah is a state-owned lake used for fishing, swimming, boating and wildlife habitat. Funds will be used to support project staff and a nutrient and pest management program and to provide financial incentives for installation of Best Management Practices in the lake's watershed. The maximum contract amount is \$39,500 for the period of May 1, 1993 to October 31, 1994.

Mr. Kuhn gave a detailed explanation of each project and asked the Commission's approval of same.

*Motion was made by Rozanne King to approve the Section 319 Nonpoint Pollution Control Project Contracts as presented. Seconded by William Ehm. Motion carried unanimously.*

APPROVED AS PRESENTED

## FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The YTD division-level financial status report, as of 4/30/93, will either be attached to this item or mailed to commissioners as soon as available. Staff will be on hand to answer any related questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/93

PAGE 1

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/FUNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	69,470.22	828,825.33	850,844.00	22,018.00-	1,021,017.00
202 IN-STATE TRAVEL	2,448.40	23,001.95	44,288.00	21,287.00-	53,150.00
203 STATE VEHICLE OPERATION	382.12	4,487.71	6,609.00	2,121.00-	7,931.00
204 STATE VEHICLE DEPRECIATION	655.00	6,550.00	10,374.00	3,824.00-	12,498.00
205 OUT-STATE TRAVEL	92.25	6,572.63	7,082.00	510.00-	8,990.00
301 OFFICE SUPPLIES	988.37	63,495.34	70,039.00	6,544.00-	84,050.00
302 FACILITY MAINTENANCE SUPP	0.00	157.21	5,708.00	2,744.00-	6,950.00
303 EQUIPMENT MAINTENANCE SUPP	467.47	2,865.47	1,686.00	1,508.00-	2,990.00
308 OTHER SUPPLIES	1,236.99	23,911.76	54,189.00	30,277.00-	65,030.00
309 PRINTING & BINDING	7,233.35	173,531.29	219,866.00	46,334.00-	263,843.00
312 UNIFORMS & RELATED ITEMS	94.45	330.33	500.00	170.00-	600.00
401 COMMUNICATIONS	2,935.25	15,147.08	24,418.00	9,185.00-	29,700.00
402 RENTALS	20.00	225.00	418.00	191.00-	500.00
403 UTILITIES	33.21	134.37	625.00	491.00-	750.00
408 PROF & SCIENTIFIC SERVICE	200.00	9,211.48	40,166.00	30,955.00-	48,200.00
409 OUTSIDE SERVICES	7,266.75	19,696.54	19,166.00	530.00	23,000.00
410 DATA PROCESSING	0.00	6,487.20	1,207.00	4,750.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	0.00	757.14	187.00	569.00	225.00
501 EQUIPMENT	2,433.73	12,754.74	11,999.00	756.00	14,400.00
602 OTHER EXPENSES & OBLIGATI	0.00	312.00	0.00	312.00	0.00
621 BACK PAY INTEREST	0.00	359.37	0.00	359.00	0.00
DIVISION TOTAL	95,955.56	1,108,884.12	1,379,283.00	180,384.90-	1,655,148.00

May 1993

## Environmental Protection Commission Minutes

JOB0C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/93

PAGE 2

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3006 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	251,678.12	3,206,106.84	3,389,984.00	183,877.00-	4,067,986.00
202 IN-STATE TRAVEL	2,235.87	23,889.94	41,831.00	17,942.00-	50,200.00
203 STATE VEHICLE OPERATION	3,951.81	38,284.22	50,418.00	11,133.00-	60,500.00
204 STATE VEHICLE DEPRECIATION	9,765.00	89,305.00	61,833.00	2,528.00-	74,200.00
205 OUT-STATE TRAVEL	695.00	2,148.07	833.00	1,315.00	1,000.00
301 OFFICE SUPPLIES	32,732.66	255,066.58	266,413.00	13,345.00-	222,100.00
302 FACILITY MAINTENANCE SUPP	374.80	12,435.35	25,833.00	13,398.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUPP	2,824.80	51,896.12	40,415.00	1,482.00-	48,500.00
306 OTHER SUPPLIES	1,012.75	13,120.87	11,413.00	1,707.00-	13,700.00
309 PRINTING & BINDING	1,346.10	13,755.91	11,245.00	2,512.00-	13,500.00
312 UNIFORMS & RELATED ITEMS	120.75	366.99	1,666.00	1,299.00-	2,000.00
401 COMMUNICATIONS	11,970.54	58,973.86	77,582.00	18,607.00-	93,100.00
402 RENTALS	0.00	128.25	416.00	288.00-	500.00
406 OUTSIDE SERVICES	245.38	7,048.56	32,820.00	25,781.00-	39,400.00
410 DATA PROCESSING	39,527.36	137,468.16	89,581.00	47,887.00-	107,500.00
412 AUDITOR OF STATE REIMBURS	38,718.49	82,130.76	125,000.00	42,869.00-	150,000.00
414 REIMBURSEMENTS TO OTHER A	25,608.71	104,847.22	34,582.00	70,265.00-	41,500.00
501 EQUIPMENT	45,264.24	147,137.30	177,914.00	30,776.00-	213,500.00
602 OTHER EXPENSES & OBLIGATI	45,825.00	456,307.24	625,005.00	168,698.00-	750,007.00
621 BACK PAY INTEREST	0.26-	2,177.27	0.00	2,178.00-	0.00
DIVISION TOTAL	510,278.40	4,673,602.31	5,066,792.00	393,187.00-	6,080,193.00

JOB0C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/93

PAGE 3

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	332,441.34	4,480,480.56	4,747,636.00	267,155.00-	5,697,167.00
202 IN-STATE TRAVEL	4,541.05	30,174.11	57,704.00	27,531.00-	68,250.00
203 STATE VEHICLE OPERATION	15,564.54	161,919.67	166,890.00	4,970.00-	200,270.00
204 STATE VEHICLE DEPRECIATION	23,870.00	243,155.00	239,499.00	3,656.00-	287,400.00
205 OUT-STATE TRAVEL	250.52	3,040.64	6,541.00	3,499.00-	7,650.00
301 OFFICE SUPPLIES	1,819.85	30,823.09	38,081.00	7,258.00-	45,700.00
302 FACILITY MAINTENANCE SUPP	7,934.98	328,530.85	383,578.00	55,047.00-	460,300.00
303 EQUIPMENT MAINTENANCE SUPP	5,335.80	188,424.48	242,280.00	53,855.00-	290,750.00
307 AG. CONSERVATION & HORT	0.00	4,016.99	17,916.00	13,900.00-	21,500.00
308 OTHER SUPPLIES	3,023.81	36,568.21	35,574.00	995.00-	42,694.00
309 PRINTING & BINDING	1,052.90-	17,140.00	28,748.00	11,607.00-	34,500.00
312 UNIFORMS & RELATED ITEMS	1,671.12	3,380.39	42,953.00	39,572.00-	51,602.00
401 COMMUNICATIONS	8,158.44	67,884.32	87,498.00	19,614.00-	105,002.00
402 RENTALS	250.00	21,993.36	24,875.00	2,882.00-	28,850.00
403 UTILITIES	21,851.69	299,212.79	317,457.00	18,245.00-	360,951.00
405 PROF. & SCIENTIFIC SERVICE	23,286.00	33,771.72	69,924.00	36,152.00-	83,911.00
406 OUTSIDE SERVICES	2,790.83	128,111.41	154,457.00	26,346.00-	185,352.00
408 ADVERTISING & PUBLICITY	0.00	1,187.54	1,137.00	50.00-	2,050.00
410 DATA PROCESSING	0.00	2,650.73	8,331.00	5,680.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	66.53	2,136.21	1,456.00	680.00-	1,750.00
501 EQUIPMENT	22,961.78	152,304.41	106,864.00	45,441.00-	126,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	3,530.65	1,666.00	1,865.00-	2,000.00
621 BACK PAY INTEREST	0.00	365.53	0.00	366.00-	0.00
701 LICENSES	0.00	125.00	330.00	205.00-	398.00
DIVISION TOTAL	475,724.40	6,240,724.32	6,781,823.00	541,100.00-	8,138,247.00

JOB0C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 04/30/93

PAGE 4

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	144,390.33	1,476,979.62	1,612,064.00	135,084.00-	1,934,480.00
202 IN-STATE TRAVEL	3,697.93	29,929.94	33,320.00	3,401.00-	40,000.00
203 STATE VEHICLE OPERATION	7,184.88	66,118.87	71,247.00	5,127.00-	85,500.00
204 STATE VEHICLE DEPRECIATION	10,875.00	110,505.00	120,099.00	9,594.00-	141,120.00
205 OUT-STATE TRAVEL	33.45	1,505.38	4,165.00	2,660.00-	5,000.00
301 OFFICE SUPPLIES	770.82	14,707.07	18,747.00	4,040.00-	22,500.00
302 FACILITY MAINTENANCE SUPP	935.65	30,183.73	32,497.00	2,314.00-	39,000.00
303 EQUIPMENT MAINTENANCE SUPP	1,453.12	32,798.50	48,748.00	15,949.00-	58,500.00
304 PROF. & SCIENTIFIC SUPPL	0.00	486.30	0.00	486.00-	0.00
307 AG. CONSERVATION & HORT S	5,695.83	101,620.18	73,933.00	27,687.00-	88,723.00
308 OTHER SUPPLIES	21,573.71	29,091.77	40,415.00	11,323.00-	48,500.00
309 PRINTING & BINDING	278.91-	5,516.61	12,999.00	7,483.00-	15,600.00
312 UNIFORMS & RELATED ITEMS	1,353.70	4,428.25	13,476.00	9,047.00-	16,175.00
401 COMMUNICATIONS	2,927.82	25,158.08	32,830.00	7,673.00-	39,400.00
402 RENTALS	5,280.97	17,929.21	30,832.00	13,903.00-	37,000.00
403 UTILITIES	1,787.69	23,141.82	26,498.00	3,357.00-	31,800.00
405 PROF. & SCIENTIFIC SERVICE	0.00	3,120.75	0.00	3,121.00-	0.00
406 OUTSIDE SERVICES	5,143.69	43,894.75	34,583.00	9,311.00-	41,500.00
408 ADVERTISING & PUBLICITY	5.80	922.51	832.00	90.00-	1,000.00
410 DATA PROCESSING	0.00	1,476.26	1,332.00	144.00-	1,600.00
414 REIMBURSEMENTS TO OTHER A	0.00	360.00	250.00	110.00-	300.00
501 EQUIPMENT	7,392.18	44,882.58	73,096.00	28,213.00-	87,719.00
602 OTHER EXPENSES & OBLIGATI	18.32	18.32	0.00	18.00-	0.00
621 BACK PAY INTEREST	0.00	389.00	0.00	389.00-	0.00
DIVISION TOTAL	220,809.95	2,064,364.50	2,281,973.00	217,612.00-	2,738,417.00

E93May-4



# Environmental Protection Commission Minutes

May 1993

JOB0C103

## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/93

PAGE 5

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES					
202 IN-STATE TRAVEL	163,962.56	2,008,160.75	2,045,942.00	481.00-	2,455,144.00
203 STATE VEHICLE OPERATION	482.04	18,304.14	31,774.00	2,468.00-	38,138.00
204 STATE VEHICLE DEPRECIATIO	2,319.77	17,256.63	18,707.00	2,451.00-	22,680.00
205 OUT-STATE TRAVEL	2,195.00	23,910.00	27,875.00	4,065.00-	33,970.00
301 OFFICE SUPPLIES	1,796.42	19,789.56	22,410.00	3,621.00-	28,100.00
302 FACILITY MAINTENANCE SUPP	1,302.17	25,936.65	12,680.00	13,256.65	15,190.00
303 EQUIPMENT MAINTENANCE SUP	0.00	96.97	708.00	611.00-	850.00
304 PROF. & SCIENTIFIC SUPPL	451.11	7,063.66	14,281.00	7,227.00-	17,190.00
308 OTHER SUPPLIES	157.25	416.02	998.00	582.00-	1,700.00
308 PRINTING & BINDING	359.45	23,889.14	31,044.00	7,154.00	37,888.00
401 COMMUNICATIONS	3,820.77	10,886.97	38,076.00	27,190.00-	48,700.00
402 RENTALS	0.00	26,007.11	28,120.00	2,112.00-	33,790.00
403 UTILITIES	0.00	1,300.00	2,000.00	700.00-	2,400.00
405 PROF & SCIENTIFIC SERVICE	84.55	13,513.27	10,599.00	2,914.00	17,788.00
406 OUTSIDE SERVICES	2,576.58	322,408.98	692,727.00	370,318.00-	831,776.00
410 DATA PROCESSING	58.83	13,470.58	16,611.00	2,933.00-	19,646.00
414 REIMBURSEMENTS TO OTHER A	0.00	11,612.06	15,830.00	2,218.00-	18,680.00
501 EQUIPMENT	0.00	5,543.16	4,330.00	1,213.00	8,570.00
602 OTHER EXPENSES & OBLIGATI	6,691.61	51,899.99	65,337.00	13,438.00-	78,410.00
621 BACK PAY INTEREST	0.00	6,723.00	0.00	6,723.00	0.00
621 BACK PAY INTEREST	3.95-	477.82	0.00	479.00	0.00
DIVISION TOTAL	186,254.36	2,609,705.46	3,080,739.00	471,936.00-	3,606,982.00

JOB0C103

## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/93

PAGE 6

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION D1:					
101 PERSONAL SERVICES					
202 IN-STATE TRAVEL	523,189.08	6,051,006.61	6,359,621.00	308,615.00-	7,631,564.00
203 STATE VEHICLE OPERATION	3,992.00	37,530.54	95,493.00	57,964.00-	114,600.00
204 STATE VEHICLE DEPRECIATIO	3,174.41	33,495.69	47,082.00	13,587.00-	56,500.00
205 OUT-STATE TRAVEL	5,085.00	51,010.00	54,166.00	3,156.00-	65,000.00
301 OFFICE SUPPLIES	8,133.10	35,321.66	58,742.00	53,423.00-	106,500.00
302 FACILITY MAINTENANCE SUPP	5,145.28	54,986.13	57,069.00	2,082.00-	68,500.00
303 EQUIPMENT MAINTENANCE SUP	263.24	11,592.41	1,250.00	10,342.00	1,500.00
308 OTHER SUPPLIES	1,054.90	7,289.43	6,937.00	452.00	8,200.00
308 PRINTING & BINDING	1,067.43	18,092.56	29,534.00	11,442.00-	35,450.00
312 UNIFORMS & RELATED ITEMS	2,479.35	52,595.60	49,358.00	3,237.00	59,240.00
401 COMMUNICATIONS	139.07	914.52	2,081.00	1,166.00-	2,500.00
402 RENTALS	18,057.67	104,025.40	114,858.00	10,834.00-	127,626.00
403 UTILITIES	3,593.01	41,566.28	50,250.00	8,664.00-	60,304.00
405 PROF & SCIENTIFIC SERVICE	1,588.07	13,322.99	14,703.00	1,380.00-	17,646.00
406 OUTSIDE SERVICES	17,268.25	608,508.37	1,442,407.00	832,899.00-	1,730,895.00
408 ADVERTISING & PUBLICITY	15,455.06	61,289.25	57,287.00	4,002.00	68,750.00
410 DATA PROCESSING	445.10	2,716.01	8,496.00	5,781.00-	10,200.00
414 REIMBURSEMENTS TO OTHER A	0.00	119,126.37	136,776.00	17,649.00-	164,140.00
501 EQUIPMENT	0.00	12,263.92	18,702.00	6,438.00-	22,450.00
602 OTHER EXPENSES & OBLIGATI	20,667.72	298,149.44	158,660.00	139,489.00-	190,400.00
621 BACK PAY INTEREST	0.00	11,785.14	2,666.00	9,119.00	3,700.00
621 BACK PAY INTEREST	1.21-	696.08	0.00	697.00	0.00
DIVISION TOTAL	631,796.51	7,627,284.46	8,796,033.00	1,168,751.00-	10,555,370.00

JOB0C103

## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/93

PAGE 7

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES					
202 IN-STATE TRAVEL	831,744.46	10,295,319.33	10,322,375.00	26,064.00-	12,366,876.00
203 STATE VEHICLE OPERATION	28,317.11	248,499.29	262,787.00	14,288.00-	315,362.00
204 STATE VEHICLE DEPRECIATIO	37,018.55	402,247.76	380,884.00	21,367.00-	457,078.00
205 OUT-STATE TRAVEL	55,680.00	572,785.00	609,481.00	36,696.00-	731,387.00
301 OFFICE SUPPLIES	4,063.95	27,887.11	24,164.00	3,723.00	29,000.00
302 FACILITY MAINTENANCE SUPP	4,202.11	259,437.76	171,985.00	81,473.00	206,370.00
303 EQUIPMENT MAINTENANCE SUP	13,458.20	189,183.64	263,837.00	74,651.00	316,624.00
307 AG. CONSERVATION & MORT	20,850.14	253,504.75	288,257.00	34,752.00-	343,527.00
308 OTHER SUPPLIES	12,436.20	155,581.59	263,217.00	107,637.00	315,870.00
308 PRINTING & BINDING	6,026.38	86,598.06	68,970.00	17,628.00	82,783.00
312 UNIFORMS & RELATED ITEMS	2,193.25	91,785.22	105,585.00	13,799.00-	126,706.00
401 COMMUNICATIONS	13,675.02	48,944.89	103,838.00	54,894.00-	124,621.00
402 RENTALS	23,812.60	160,364.74	149,120.00	11,246.00	178,955.00
403 UTILITIES	11,372.36	46,316.11	43,821.00	2,494.00	52,592.00
405 PROF & SCIENTIFIC SERVICE	20,869.18	174,088.94	183,835.00	9,746.00-	220,370.00
406 OUTSIDE SERVICES	7,650.00	83,849.74	81,666.00	2,183.00	110,000.00
408 ADVERTISING & PUBLICITY	3,718.18	94,077.80	109,971.00	15,895.00-	131,980.00
410 DATA PROCESSING	489.88	2,710.16	34,332.00	31,622.00-	2,600.00
414 REIMBURSEMENTS TO OTHER A	0.00	48,108.82	129,540.00	164,066.00	41,200.00
501 EQUIPMENT	0.00	25,474.54	270,528.00	245,053.00-	155,450.00
602 OTHER EXPENSES & OBLIGATI	11,324.98	389,279.04	171,333.00	217,946.00-	324,848.00
621 BACK PAY INTEREST	0.00	1,640.21	0.00	1,640.00-	205,600.00
701 LICENSES	0.00	5,155.68	0.00	5,156.00	0.00
701 LICENSES	0.00	575.00	250.00	325.00	300.00
DIVISION TOTAL	1,108,982.54	13,638,404.19	14,049,724.00	411,321.00-	16,859,900.00

E93May-5



May 1993

# Environmental Protection Commission Minutes

J080C103

## IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 04/30/93

PAGE 8

	TOTAL EXPENDITURES 04/01/93 - 04/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	48,315.36	542,254.12	605,512.01	63,257.00-	726,618.00
202 IN-STATE TRAVEL	2,035.03	16,824.74	26,330.00	9,504.00-	31,600.00
205 OUT-STATE TRAVEL	4,127.14	11,559.76	17,248.00	5,689.00-	20,700.00
301 OFFICE SUPPLIES	119.86	2,087.30	6,590.00	4,502.00-	7,510.00
302 FACILITY MAINTENANCE SUPP	0.00	752.94	225.00	528.00	270.00
303 EQUIPMENT MAINTENANCE SUP	73.75	364.25	208.00	156.00	250.00
308 OTHER SUPPLIES	190.56	8,001.22	13,122.00	5,120.00-	15,749.00
309 PRINTING & BINDING	454.47	16,146.90	54,165.00	38,018.00-	65,000.00
401 COMMUNICATIONS	2,688.23	17,928.72	20,544.00	2,615.00-	24,655.00
405 PROF & SCIENTIFIC SERVICE	0.00	118,454.07	149,088.00	30,633.00-	178,907.00
406 OUTSIDE SERVICE	66.75	9,323.45	3,736.00	5,588.00	7,480.00
410 DATA PROCESSING	0.00	3,305.74	2,232.00	1,073.00-	4,400.00
414 REIMBURSEMENTS - OTHER &	0.00	8,393.20	15,125.00	6,731.00-	34,610.00
501 EQUIPMENT	0.00	25,216.39	28,840.00	3,623.00-	18,150.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,989.00	3,749.00	1,236.00-	4,500.00
621 BACK PAY INTEREST	0.00	75.42	0.00	76.00	0.00
DIVISION TOTAL	58,079.09	785,714.22	950,714.00	164,996.00-	1,140,884.00

Discussion followed regarding equipment costs.

Charlotte Mohr asked if there is any way computers can be shared.

Mr. Kuhn replied that computer sharing has been tried but it does not work very well. He added that there are very few word processing staff now and administrators do most of their own typing.

Nancyee Siebenmann asked if the fiber optics network will be compatible with existing equipment in the department.

Mr. Kuhn stated that hooking up to fiber optics will require some updating of equipment.

### INFORMATIONAL ONLY

## PUBLIC PARTICIPATION

### George TeKippe

George TeKippe, TeKippe Engineering, spoke to the Commission in regards to the reclassification of streams which will affect the City of Winthrop. He presented a petition signed by 160 residents of Buchanan County requesting that the unnamed drainage district between Winthrop and the Wapsipinicon River remain classified as a General Stream. He presented the following written statement:

"Good morning. My name is George TeKippe of TeKippe Engineering, West Union, Iowa. I have driven over 200 miles in about 4 hours this morning specifically to make two comments at

E93May-6

your meeting concerning the water quality standards being implemented in this state. The first comment relates directly to the classification of one small stream and its effects on one city. The second comment relates in a much more general manner to the classifying of streams throughout the state, and the effect it is going to have on approximately one-third to one-half of the cities of the State of Iowa.

#### Unnamed Creek - City of Winthrop

Round V recommendations being considered at this meeting include the classification of a portion of an Unnamed Creek (Northeastern Iowa River Basins, Stream #5). This small creek is very significant to the City of Winthrop, Iowa. It serves as the pathway by which the effluent from the City's wastewater treatment plant is drained to the Wapsipinicon River. The lower 2 mile segment near the Wapsipinicon River is being proposed for Limited Resource (B(LR)) classification. At the public hearing in Independence on March 10, 1993, many reasons were presented in writing for leaving this stream classified as a General Stream instead of changing it to a Limited Resource Stream. These reasons were abbreviated in the IDNR summary.

From the discussion and recommendation comments made in the Responsiveness Summary for the hearings, we believe there exists misunderstandings on some of these items. 1) The low gradient, shallower portion of the creek near the Wapsipinicon River is not only 500 to 1,000 feet long, but over 1/2 mile in length out of the approximately 2-mile segment proposed for reclassification. 2) With the stream going dry in the lower portion most summers, and the beaver dams blocking fish movement between the river and the creek, the continuous discharge of effluent from the wastewater treatment plant during low flow periods is probably critical for the survival of the aquatic life in the stream. Conversion of the plant to a controlled discharge facility would then be detrimental to the stream instead of improving it. 3) IDNR indicates the City would have an opportunity to document wet weather design flows from the treatment plant occur only during elevated flow conditions in the stream. If this correlation can be shown, ammonia mass limitations may not be required, and the classification of the stream may have no impact on the City. I believe the two "may" terms just above are critical to the City, yet they are overlooked in the Recommendation statement, "With the minimal documentation of stream flow and discharge flows discussed above, this designation will have no impact on the City of Winthrop." The City's new treatment plant may need to be converted to a controlled discharge treatment plant to meet ammonia mass limits. 4) To the best of my knowledge, no water quality monitoring studies have been performed on any stream in Iowa after ammonia has been removed, nor are any such studies in progress. Thus, the net benefit to the stream of removing ammonia from Iowa municipal wastewater treatment plant effluents before discharging is not known.

Considering the above, we believe the City could have a great deal to lose if the stream is classified as Limited Resource. Ammonia limits on the treatment plant effluent might be mandated, and the City could again be spending a great deal of money to comply with the new limitations. If the Limited Resources classification truly will have no impact on the City as implied in the Recommendation, then the classification will have no beneficial effect on the stream (as the City is the only potential point discharger to the stream). If no beneficial effect is obtained, and potential for stream degradation is present if the plant is switched to controlled

discharge, we believe it is in the best interest of the stream and the City to leave the stream classified as a General Stream. I have with me petitions signed by over 160 residents of the City and surrounding area in Buchanan County, which request that the stream remain classified as a General Stream. I have not heard of anyone in the County requesting that the stream be reclassified.

#### Ammonia Removal - Municipal Wastewater Treatment Plant Effluents

Since the fall of 1989, U.S. EPA and IDNR have been proposing and enforcing regulations which include ammonia standards in municipal wastewater treatment plant effluents. Through reclassification of streams, determining computation methods, and the setting of new water quality standards, it has been estimated that one-third to one-half of the Cities in Iowa may have to provide ammonia removal from their plant effluents, with a total cost of between 500 and 750 million dollars. The process is well on its way already with various plants under construction or completed. At the onset of this effort, the annual economic benefit to fish and wildlife in Iowa's rivers was estimated at \$5.7 million. As indicated in the section above, I know of no study done in the State of Iowa that tried to measure the effects on the receiving stream to be obtained by removing ammonia from municipal treatment plant effluent. As a wastewater engineer, this fact disturbs me greatly. A cost/benefit analysis should be a standard requirement for significant expenditures of money or materials. Although a benefit was estimated in 1989, it appears that no follow-up evaluation has been performed since then to verify it.

As a case to point, an extensive water quality monitoring study was performed on the receiving stream of an Iowa municipal treatment plant by a specialty firm from Texas. A major plant expansion was then required of the city to remove ammonia from the effluent. The expansion was completed approximately five years ago, and the ammonia in the discharge has been reduced to generally less than 20% of the new limits. Well over one million dollars was spent on the project, but to this day no follow-up water quality study was done or is proposed on the receiving stream to determine if the ammonia reduction has had any beneficial effect on the aquatic life of the stream. I believe that runoff and leachate from adjacent agricultural land may well negate any potentially beneficial effects of the additional treatment.

Thus, as a spokesman for several Cities of the State, I hereby ask that further classification of streams and the enforcement of associated ammonia standards on the effluent limits of municipal treatment plants be stopped until the benefits to the streams can be measured."

Mr. TeKippe explained that if they can merely modify their brand new aerated lagoon facility to a control discharge facility so that they can store the effluent, then there are no ammonia limitations. He related that would cost the city less than \$300,000 but if the city has to build a plant to remove the ammonia it would cost more than \$300,000.

Brief discussion followed.

**Betty McCarthy**

Betty McCarthy, Floyd/Mitchell County Solid Waste Commission Chair, addressed the Commission regarding the Special Waste Authorization rules. She noted that the landfill operators feel that special waste authorizations are a high priority and that the SWA program should stay within the DNR. She added that the landfill operators do not feel that they have the expertise or the money to handle the program. Ms. McCarthy stated that if the SWA rules are adopted, many landfill operators will not take special waste. She expressed concern that variances are now being automatically extended without review. She asked the Commission not to adopt the rules and to keep the program in the department.

**Tim Smith**

Tim Smith, Steel Strapping Institute (SSI), addressed the Commission stating that, in 1990, when the General Assembly passed Section 29.455D.19, Packaging Heavy Metal Content, the stated intent was to achieve reduction in toxicity without repeating or discouraging expanding use of post consumer materials in the production of packaging and its components. He related that DNR's Chapter 213 will impose more hardship on SSI if rules are passed as they presently stand.

Mr. Smith noted that he previously sent a copy of SSI's Position Paper to each Commissioner. Mr. Smith presented the following statement: "With the introduction of the Council of Northeastern Governors (CONEG) nontoxics and packaging legislation and subsequent passage of Section 29.455D in Iowa, member companies of the SSI initiated a program with their paints and coatings suppliers to reduce or replace the heavy metal content, lead and hexavalent chromium, contained therein. This action was in keeping with the models provision affecting the incidental presence of heavy metals. However, the members of the Steel Strapping Institute now face what appears to us to be an unreasonable after-the-fact, interpretation because of CONEG's April 1992, Question and Answer piece. Question #8 raised the issue of intentional use. Up to this point in time the major American manufacturers of steel strapping had understood this section to apply only to packaging, etc., (not to the packaging materials), to which heavy metal was deliberately added. Instead, CONEG declared, as is now contained in Section 29.455D and new chapter 213 that where the heavy metal was introduced into the package's manufacturing or distribution process, the package was restricted. This interpretation now threatens both manufacturers and users with a restriction of this product in Iowa. Iowa is the first Non-CONEG state that has initiated a rule making as an allied statute, we ask the Commission and the DNR to specifically interpret this section, in light of the interest of the Iowa legislature, not to impede or discourage expanded use and their intent to address the additions of heavy metals to the final product/package during the manufacturer distributor process.

When manufacturing high strength steel strapping, the use of lead as a quenching medium in the heat treating process is both essential and, so far as can be determined, irreplaceable.

The steel strapping industry has supported the laudable intent of eliminating avoidable additions of heavy metals to the environment. Section 29.455D.19, and new chapter 213, require that the

incidental presence of lead in any package or packaging component be limited to 100 ppm, by 1994, to which steel strapping complies. Regular testing has shown normal trace levels of lead on strapping to be under 20 ppm, with occasional spikes of 70 ppm -- well under the 100 ppm ceiling established for incidental presence.

The construction industry, as one example, and the thousands of jobs it supports in Iowa, depends on steel strapping to secure and insure safe arrival of lumber, bricks, cinder blocks, and pipes for plumbing to a job site.

The National Association of Brick Distributors information pamphlet promoting highway safety when transporting bricks to a job site states that "using steel strapping with crimped seals will hold the brick securely to the truckbed during transit to keep the packages from breaking down and spilling brick onto the highway."

Steel strapping itself is 100% recyclable and the industry estimates that 70% of steel strapping produced is presently being recycled.

For the purposes of new chapter 213 we would ask the committee to revisit the New York regulation which makes no differentiation between intentional and unintentional use of heavy metals as long as it is under the acceptable concentration levels.

The Steel Strapping Institute is also concerned that new chapter 213 states that a manufacturer can file for an exemption under exemptions 213.6(2) subsection b (no feasible alternative to the use of lead), but does not clearly explain the avenue to undertake this process. When the law was passed in 1990 it left room for the Commission to make the rules of how the exemption process was going to be determined, but in the new rules it does not say what process manufacturers can use to get exemptions from the State of Iowa. Because of that, my members of the Steel Strapping Institute are not in compliance if this rule is passed, because there is no way clearly to say how we can apply for the two year exemption. Also, in the 1990 state statute they did not say how long the exemptions would be granted for. That is changed in the rules now but there still is no process of how a member company or a member of SSI can come to the state of Iowa and ask for an exemption.

The Steel Strapping Institute asks the rules committee in considering passage of new chapter 213, to consider the original intent of the General Assembly's passage of the original section 29.455D.19. If chapter 213 is passed in its present form it would restrict steel strapping in the state of Iowa and have a devastating effect on industry and commerce in Iowa."

Mr. Smith stated that Wisconsin and New York in their bill require, by 1996, to be under 100 ppm, but they do not use the question intentional versus unintentional in the legislation. Also, Missouri recently passed a bill which does not mention intentional versus unintentional.

Nancylee Siebenmann asked if any attempt is being made to bring the 70% recycled steel strapping closer to the 100% mark.

Mr. Smith stated that some of the brick manufacturers and lumber yards have recycle bins at their yards and also some of the major general contractors have recycling bins. He related that he does not think any product will ever be 100% recycled.

Margaret Prah1 asked Mr. Smith what solution they have to exempt SSI from the rules if it does come under the ppm requirement.

**Mike Lynch**

Mike Lynch, Illinois Tool Works, answered Commissioner Prah1 stating that the statute refers to the product itself, and as a matter of interpretation the Commission is being asked to deal with the phrase "the product itself." He emphasized that, as he understands it, the intent of the law was to affect the intentional addition of heavy metals to the product or package itself. He related that CONEG later on said if heavy metals are used anywhere in the process it is banned. He noted it is at that point where he is asking the department to be specific.

He explained that the way he read the CONEG model when he first saw it in 1989, was that of intentionally added heavy metals to the package or packaging components. Mr. Lynch further explained that they use lead as a heat treatment process of steel strapping which is subsequently wiped off. It is not added but is only used as a quenching medium.

Mr. Lynch stated that CONEG staff is encouraging other states to join with them in their administration and implementation of the laws as they have been enacted. The CONEG staff have taken the tact that each of the states that have enacted this model have done so word-for-word, and in fact, every state that has enacted it has done so with some variation. He noted that they are asking two things today: 1) that the agency, in its rules, distinguish between the product itself and just using it intentionally regardless of where it goes; and 2) that in the rules there is a specific mechanism by which corporations such as Signode or others can apply. He added that there is nothing in the rules that states how to do it, it only specifies what the Certificate of Compliance looks like but does not tell how to get there. It also gives no recourse for appeal if a certificate is denied.

Margaret Prah1 asked if 213.6(1) states when one is entitled to an exemption.

Mr. Lynch stated that it tells when an exemption is allowed but does not tell how to do it.

Discussion followed regarding the exemption process and how many exemptions can be granted.

Mr. Smith noted that they are asking states to take a look at what New York, Wisconsin, and Missouri have done because there is no mention of intentional versus unintentional. Those states are requiring a reduction to 100 ppm by certain dates thereby reducing the metals to the waste stream.

Mr. Lynch distributed copies of a paper entitled "Comments of ITW Signode to the Iowa Administrative Rules Committee (Environmental Protection Commission) - May 17, 1993."



Mr. Lynch noted that what the exemption request looks like is far less important than how the DNR interprets the provision on intentional use. He related that it is their feeling that it was the legislature's intent, as was the original model crafters intent, to ban those products and packaging components to which the heavy metals were intentionally added, not simply used in the process in the making of those products. He emphasized that it is that distinction that they would like to see the agency put into the rules.

#### **APPOINTMENT - SCOTT POWER**

Scott Power, Aspelmeier Law Firm, representing drainage and levee districts in the Southeastern part of the state expressed concern with the stream use classification on a majority of the ditches in these districts. He noted that their preference is that these streams not be classified at all. He stated that there is an agreement between staff and the people he represents, which is outlined in a discussion paper that was distributed to the Commission. Mr. Power related that as he interprets the staff paper, they are saying that any normal drainage district maintenance operations conducted within a district is not subject to the proposed rules. He stated that they would like to have it explicitly stated in the rules that normal drainage district maintenance operations are exempt from these rules. Mr. Power related that it is his clients experience that if something is not explicitly written down, they pay for it later. He noted that they are looking for assurances on that point.

Chairperson Hartsuck commented that it is impractical for government to make a list of everything they do not do. He added that there seems to be a paranoid feeling on the subject of drainage ditches and what DNR might do to prohibit normal maintenance on them.

Mr. Power stated that he is here because the drainage districts he represents have some genuine concerns and they are not associated with a drainage district group in the northern part of the state.

#### **FINAL RULE--CHAPTER 213, PACKAGING - HEAVY METAL CONTENT**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve proposed administrative rules relating to the Packaging ---Heavy Metal Content.

This new chapter 213 provides rule guidelines designed to reduce toxicity of packaging waste by eliminating the addition of heavy metals such as lead, cadmium, mercury, and hexavalent chromium in packaging and packaging components.

Notice of Intended Action was published as ARC 3838 a on March 17, 1993 in the Administrative Bulletin. A public hearing was held on April 7, 1993 : no attendance. No written comments were received prior to the public hearing.

The proposed rules :

-Require a manufacturer, or distributor not to offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes inks, dyes, pigments, adhesives, stabilizers or any other additives, any heavy metal which has been intentionally introduced as an element during manufacturing or distribution. (Effective July 1, 1992).

-Limit the sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component not to exceed the following:

---a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.

---b. Effective July 1, 1993, 250 parts per million by weight, or 0.025.

---c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.

-No material used to replace heavy metals in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by heavy metals.

-Require a manufacturer or distributor to make available to purchaser, to the department, and to the public upon request certificate of compliance conforming to the requirements of this rule.

-Entitles a manufacturer to an exemption as discussed in detail in proposed rules.

-According to the rules The Department has the authority to inspect , with the consent of the owner or agent, any property or building to determine compliance with the requirements of this chapter.

## CHAPTER 213 PACKAGING-----HEAVY METAL CONTENT

**567-213.1(455D) Purpose.** The purpose of this chapter is to implement the provisions of Iowa Code section 455D.19, which seeks to reduce toxicity of packaging waste to eliminate the addition of heavy metals such as lead , mercury, cadmium, and hexavalent chromium in packaging and packaging components.

**567-213.2(455D) Applicability.** This chapter applies to manufacturers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the state.

**567-213.3(455D) Definitions.** The following terms, as used in this chapter, shall have the following meanings:

**"Department"** means the Department of Natural Resources as created under Iowa Code Section 455 A.2.

**"Distributor"** means a person who takes title to products or packaging purchased for resale.

**"Incidental presence"** means that these elements were not intentionally added and are below the concentration levels established by the department in subrule 213.4(3).

**"Manufacturer"** means a person who offers for sale or who sells products or packaging to a distributor.

**"Offer for promotional purposes"** means any transfer of title or possession, or both, of packaging or products in packaging without consideration.



*"Offer for sale"* means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration in any manner or any means whatsoever.

*"Package"* means a container which provides a means of marketing, protecting, or handling a product, including a unit package, an intermediate package, or a shipping container. Package also includes, but is not limited to, unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

*"Packaging component"* means any individual assembled part of a package, including, but not limited to, interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, or labels.

*"Tin-plated steel"* means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component.

**567--213.4(455D) Prohibition - schedule for removal of incidental amounts.**

**213.4(1) Prohibition of packaging.** Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes in the package itself or in any packaging component inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. EPA.

**213.4(2) Prohibition of sale of product in packaging.** Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes in this state, a product in a package which includes in the package itself or in any of the packaging components inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. Environmental Protection Agency.

**213.4(3) Concentration levels.** The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.
- b. Effective July 1, 1993, 250 parts per million by weight, or 0.025%.
- c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American Standard of Testing Materials test methods, as revised, or U.S. Environmental Protection Agency test methods for evaluating solid waste, S-W 846, as revised.

**213.4(4) Substitute materials.** No material used to replace lead, cadmium, mercury, or hexavalent chromium in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by the lead, cadmium, mercury, or hexavalent chromium. The Certificate of Compliance will require an assurance to this effect.

**567--213.5(455D) Certification of compliance** By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the Department, and to the general public upon request, certificates of compliance conforming to the requirements of this rule. Certificates provided shall substantially conform with either or both, as applicable, of the following forms:

**1. Reduction of Toxics in Packaging Law  
Certificate of Compliance**

We certify that all packaging and packaging components sold to \_\_\_\_\_  
(Company Name)

or its subsidiaries in the State of Iowa comply with the requirements of this law, namely that the sum of the incidental concentration levels of lead, mercury, cadmium, and hexavalent chromium present in any package or package component shall not exceed the following:

600 Parts Per Million by weight  
(Effective July 1, 1992)

250 Parts Per Million by weight  
(Effective July 1, 1993)

100 Parts Per Million by weight  
(Effective July 1, 1994)

We further certify that in cases where the regulated metals are present at levels less than the schedule stated above, the regulated metals were not intentionally added during the manufacturing process.

We further certify that no material used to replace the regulated metals are present in a quantity or manner that creates a hazard as great or greater than the hazard created by the regulated materials.

We will maintain adequate documentation of this certification for inspection upon request.

Company

Name \_\_\_\_\_

Address \_\_\_\_\_

Certified by:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

May 1993

Environmental Protection Commission Minutes

\_\_\_\_\_  
(Title)

Date: \_\_\_\_\_

**2. Reduction of Toxics in Packaging Law  
Certificate of Compliance - Exemption Status**

We certify that all packaging and packaging components sold to \_\_\_\_\_  
(Company Name)  
or its subsidiaries in the State of Iowa are in compliance with the law. However, certain packages  
or packaging components produced by \_\_\_\_\_ are exempt from this  
(Company Name)  
law for one or more of the following reasons:

**Package or packaging components were made or delivered before the law was signed into effect:**

(List package  
or packaging  
component) \_\_\_\_\_

**Package or packaging component contains heavy metals in order to comply with  
state or federal health and safety requirements or there is no feasible alternative (i.e. the  
regulated substance is essential to the production, safe handling, or function of the  
package's contents) :**

(List package  
or packaging  
component) \_\_\_\_\_

**Package or packaging component is made from post-consumer material:**

(List package  
or packaging  
component) \_\_\_\_\_

**Alcoholic beverage bottled prior to effective date:**

(List package  
or packaging  
component) \_\_\_\_\_

**We will maintain adequate documentation of this certification for inspection upon request.**

**Company Name** \_\_\_\_\_

E93May-16

**Certified by:** \_\_\_\_\_  
                     (Name)                                 ( Signature)  
                     \_\_\_\_\_  
                     (Title)

E93May-17

**567--213.7(455D) Inspection and penalties**

**213.7(1).Inspection.** The Department may inspect, with the consent of the owner or agent, any property or building to determine compliance with the requirements of this chapter.

**213.7(2) Violation.** A manufacturer or distributor who does not comply with the requirements of Iowa Code Section 455D.19 is guilty of a simple misdemeanor. Each package or packaging component in violation constitutes the basis of a separate offense.

Ms. Hay stated that no comments were received during the public comment period. She related that the Commission heard from the Steel Strapping Institute and members thereof this morning who seems to think that the rules and/or legislation pose some potential problems for their business. She noted that the rules very clearly lay out that certificates that are provided to the state must substantially conform with either of the two certificates outlined in the rules. The second certificate is a request for exemption status which clearly lays out what is required. Ms. Hay related that the rules clearly lay out on what basis a manufacturer is entitled to an exemption. It states that exemptions will be for two years and can be granted for two additional years, if requested. Exemptions will be approved after 60 days unless the department acts otherwise. Ms. Hay pointed out that while Iowa has worked very cooperatively with the Coalition of Northeastern Governors and have attempted to have a consistent application of the law, the state is not bound by CONEG and ultimately make their own decisions regarding our laws.

Margaret Prah! asked Ms. Hay if she had given any thought to what is meant by "intentionally added" prior to this morning.

Ms. Hay responded that she has not spent any significant time on it because she fails to see how it poses a real problem where there is an ability to request an exemption.

William Ehm commented that he thinks the exemption provision could solve the problem for the Steel Strapping people. He stated that in 213.4(2), it addresses prohibition but in the following paragraph it talks about concentration levels, and it is confusing because it states that the metals cannot be there at all but if they are present it cannot exceed 100 ppm.

Ms. Hay explained that the law drops to 250 ppm in July 1993, then finally drops to 100 ppm and is essentially a phased-in implementation of the law.

Discussion followed regarding applications for exemptions; the 60-day waiting period; the company and recipient of the product being prohibited from selling the product during that period; and reasons the department might not grant an exemption.

Rozanne King asked why the 60 day waiting period is there.

Ms. Hay stated that it is to provide the department time to respond to the application for exemption. She related that an applicant should apply for an extension 60 days prior to when their original exemption expires.

Ms. Hay noted that when SSI was asked what remedy they were specifically seeking, they referred to an interpretation of the rule. She related that the whole question of "incidental versus intentional" is language which comes directly from the Code.

Margaret Prah1 stated that the definition of incidental presence uses the words "were not intentionally added" as opposed to the words "were not intentionally introduced as an element during manufacture," and she feels there is opportunity for some judicial interpretation of that language. She added that she would like to see some kind of statement of the department, or a re-definition of "incidental presence," and a clarification of the 60-day hiatus in 213.6(5).

*Motion was made by Margaret Prah1 to table Final Rule--Chapter 213, Packaging - Heavy Metal Content until the next Commission meeting. Seconded by Nancylee Siebenmann Motion carried with Chairperson Hartsuck voting "Nay."*

**TABLED UNTIL NEXT MEETING**

*Motion was made by Margaret Prah1 that the Commission request that the issue of what is meant by incidental presence and what is meant by the 60-day hiatus period in 213.6(5) be addressed and the rule be reintroduced at the next Commission meeting. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

Mike Murphy noted that if any substantive changes are made such as redefining what "intentional" or "incidental" means, the rules may need to go back out to public hearing.

### **MONTHLY REPORTS**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.



May 1993

# Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
May 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	4/15/93	5/12/93	*6/ /93	*6/01/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
2. Ch. 22 - Air Construction Permit Exemptions	*6/14/93	*7/07/93	*6/ /93	*8/ /93	*9/20/93	*9/20/93	*10/13/93	*11/17/93
3. Ch. 48-42 - EPA Phase V Drinking Water Standards	4/15/93	5/12/93	*6/ /93	*6/01/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
4. Ch. 61 - Stream Use Designation - Phase V	1/19/93	2/17/93	3/08/93	3/09/93 3/10/93	5/17/93	*5/17/93	*6/09/93	*7/14/93
5. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	5/11/93	5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
6. Ch. 100, 103 and 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills	*6/14/93	*7/07/93	*8/ /93	*8/ /93	*9/20/93	*9/20/93	*10/13/93	*11/17/93
7. Ch. 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92	*6/14/93	*6/14/93	*7/07/93	*8/11/93
8. Ch. 119, 143 - Use of Recycled Oils for Road Oil, Etc.	3/15/93	4/14/93	*5/11/93	5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
9. Ch. 121 - Land Appl. of Wastes (Petroleum-Contaminated Soils)	3/15/93	4/14/93	5/11/93	5/04/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
10. Ch. 135 - UST, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/06/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
11. Ch. 136 - Financial Responsibility for USTs	5/17/93	*6/09/93	*7/ /93	*7/06/93	*8/16/93	*8/16/93	*9/15/93	*10/20/93
12. Ch. 212 - Loans for Waste Reduction and Recycling	2/15/93	3/17/93	4/05/93	4/08/93	*6/14/93	*6/14/93	*7/07/93	*8/11/93
13. Ch. 213 - Packaging - Heavy Metals	2/15/93	3/17/93	4/05/93	4/07/93	5/17/93	*5/17/93	*6/09/93	*7/14/93

MONTHLY VARIANCE REPORT						
Month: April, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Iowa Great Lakes Sanitary District - Milford	Wastewater Construction	Howard R. Green Co.	Manhole Material	Approved	04/01/93
2.	City of Grinnell	Wastewater Construction	Shive-Hattery Engineers & Architects, Inc.	Manhole Spacing	Approved	04/08/93
3.	City of Tama	Wastewater Construction	RUST Environmental & Infrastructure, Inc.	Bar Racks	Approved	04/06/93
4.	City of Tama	Wastewater Construction	RUST Environmental & Infrastructure, Inc.	Aerobic Digestion	Approved	04/15/93
5.	City of Tama	Wastewater Construction	RUST Environmental & Infrastructure, Inc.	Return Activated Sludge Pumping Capacity - Return Sludge Rate	Approved	04/15/93
6.	City of Tama	Wastewater Construction	RUST Environmental & Infrastructure, Inc.	Return Activated Sludge Pumping Capacity - Return Sludge Pumps	Approved	04/15/93
7.	Woodbury County Bridge-Site No. 36	Flood Plain	HGM Associates, Inc.	Freeboard	Approved	04/14/93
8.	Brooke DX Plaza Mobile Home Park - West Liberty	Watersupply Construction	Shive-Hattery Engineers & Architects, Inc.	Siting Criteria	Approved	04/01/93
9.	Iowa Medical & Classification Center - Oakdale	Watersupply Construction	ACCO Unlimited Corporation	Innovative/ Alternative Treatment Techniques	Approved	04/27/93

E93May-20

# Environmental Protection Commission Minutes

May 1993

## Report of Hazardous Conditions

During the period April 1, 1993 through April 30, 1993, reports of 90 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
04/07/93 Worth	Waste oil was being collected at a DOT garage and the tank was overfilled. 50 gallons of oil spilled on a driveway. No surface waters were impacted.	Tuttle Asphalt 18237 Killdeer Ave. Mason City, IA	The spill was diked and soaked up with sand. The material was removed and delivered to an asphalt plant to be burned with waste asphalt.
04/16/93 Polk	A truck was hauling chemicals and a container of Freedom herbicide split open. 110 gallons of herbicide spilled inside the truck and on the ground. No surface waters were impacted.	Ottawa PlantFood 3076 N. Ill. Road Ottawa, IL	The Des Moines HazMat team responded to the incident. The material was pumped out of the container so the liquid level was below the split. The liquid on the ground was absorbed.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

### Substance Type

### Mode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
Nov.	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
Dec.	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
Jan.	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	6(8)
Feb.	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March	71(79)	46(40)	4(15)	21(24)	45(50)	2(0)	21(14)	1(1)	1(0)	1(14)
April	90(107)	58(50)	12(35)	20(22)	55(47)	1(3)	29(39)	2(2)	0(0)	3(16)
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
17	18	6	10	18	21

E93May-21



May 1993

## Environmental Protection Commission Minutes

### REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of April 1, 1993 through April 30, 1993, the following number of releases from underground storage tanks were identified.

24 (36)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

### NUMBER OF LUST CLEANUPS COMPLETED

During the period of April 1, 1993 through April 30, 1993, the following number of LUST cleanups were completed.

4 (571)

The number in parentheses represents the total number of LUST cleanups through April 30, 1993.

### Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Webster County Solid Waste Commission (2)	Solid Waste	Cover Violations; Other	Order/Penalty	4/08/93
Valley County Kitchen, Atlantic (4)	Drinking Water	Monitoring/Reporting; Nitrate	Order/Penalty	4/08/93
Lost Canyon Mobile Home Park, Dubuque (1)	Wastewater	Discharge Limits	Amended Order	4/08/93
Breedon Shop Building, Linn County (1)	Flood Plain	Construction Contrary to Permit Conditions	Amended Order	4/08/93
New Providence, City of (2)	Drinking Water	Compliance Schedule; Discharge Limits	Amended Order	4/08/93
Midwest Asbestos, Inc., Cedar Falls (1)	Air Quality	Asbestos	Order/Penalty	4/08/93
Mid-Iowa Insulation Corp., Des Moines (5)	Air Quality	Asbestos	Order/Penalty	4/08/93
Advanced Technologies Corp., Cedar Falls (1)	Air Quality	Asbestos	Order/Penalty	4/08/93
Advanced Technologies Corp., Cedar Falls (1)	Air Quality	Asbestos	Order/Penalty	4/08/93
R. Excavating, Inc., Council Bluffs (4)	Air Quality	Asbestos	Order/Penalty	4/08/93
McGill Asbestos Abatement Co., Council Bluffs (4)	Air Quality	Asbestos	Order/Penalty	4/08/93
Goodell, City of (2)	Drinking Water	Construction Without Permit	Order/Penalty	4/11/93
Dave Pittman, Des Moines (5)	Air Quality	Open Burning	Referred to AG	4/19/93
Curnes Homes, Ltd., Carlisle (5)	Air Quality	Open Burning	Referred to AG	4/19/93
Orchard, City of (2)	Wastewater	Monitoring/Reporting	Amended Order	4/21/93
Technical Asbestos Control, Inc., Washington (6)	Air Quality	Asbestos	Order/Penalty	4/21/93
Anderson Excavating & Wrecking Co., Council Bluffs (4)	Air Quality	Asbestos	Order/Penalty	4/21/93

E93May-22

# Environmental Protection Commission Minutes

May 1993

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Joslin Enterprises, Ltd. (Anamosa)	UT	600	5-28-92
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300	9-10-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Fausser Oil Company, Inc. (Elgin)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
*Partners-Four-Investments (Marble Rock/Rockwell)	UT	350	3-13-93
Spring Grove Mobile Home Park (Burlington)	WS	200	4-02-93
Gilmore City, City of	WS	200	4-25-93
Diversified Industries, Inc. (Otho)	AQ	1,000	4-25-93
*Seven Ponds Park (Des Moines Co.)	WS	435	5-01-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Chicago Central & Pacific Railroad (Rockwell City)	SW	700	5-08-93
*Maple Crest Motel and MHP (Mason City)	WS	350	5-15-93
*63-80 Cafe (Malcom)	WS	900	5-20-93
Mike's Prairie Home (Ollie)	WS	500	5-30-93
Garling Construction, Inc. (Anamosa)	AQ	500	5-31-93
Technical Asbestos Control, Inc. (Davenport)	AQ	200	6-01-93
Advanced Technologies Corp. (Cedar Falls)	AQ	1,000	6-13-93
Advanced Technologies Corp. (Cedar Falls)	AQ	500	6-13-93
McGill Asbestos Abatement Co., Inc. (Council Bluffs)	AQ	500	6-13-93
R. Excavating, Inc. (Council Bluffs)	AQ	1,000	6-14-93
Valley Country Kitchen (Atlantic)	WS	200	6-14-93
Goodell, City of	WS	300	6-15-93
Anderson Excavating & Wrecking Co. (Council Bluffs)	AQ	500	6-28-93
Technical Asbestos Control, Inc. (Davenport)	AQ	500	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Weillendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	569	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregier (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	350	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	200	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
R.D. Loftin, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Boce (Mills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	800	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tancem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Keokuk)	UT	300	8-26-92
Delano's Lounge (Washington)	WS	500	9-20-92
Midway Water & Lighting (Marion)	WS	360	10-07-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Poland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lee's Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodge Enterprise (Ft. Dodge)	AQ	10,000	2-16-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000

E93May-23

May 1993

# Environmental Protection Commission Minutes

Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D. Frank/D. Steib/Interstate Salvage (Webster Co.)	AQ	600
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Farmers Cooperative Elevator (Martelle)	HC	1,000
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgreaw Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Donald Perkle (Muscatine Co.)	AQ	600
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Balbert Beverage Co. (Burlington)	UT	300
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneskie Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.: John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Enviro Safe Air, Inc. (Sioux City)	AQ	100
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Casey's General Stores, Inc. (Anamosa)	AQ	1,000
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Jay Roy; Roy's Inc. d/b/a Jay's Service (Des Moines)	UT	1,000
Dave Pittman d/b/a Pittman Construction (Des Moines)	AQ	300
Curnes Homes, Ltd. (Carlisle)	AQ	500
Mason City Recycling Center Ltd. (Mason City)	AQ	1,000
Midwest Asbestos, Inc. (Cedar Falls)	AQ	100
Bedell's Inc. (Storm Lake)	WS	200
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600
Central Paving Corporation (Indianola)	UT	300
*63-80 Cafe (Malcom)	WS	100
*Seven Ponds Park (Des Moines Co.)	WS	100
Lincoln Farm and Home Service (Henderson)	WW	250
Country Mobile Home Court (New Hampton)	WS	250
Mid-Iowa Insulation Corp. (Des Moines)	AQ	100
Swaledale, City of	WS	100
Webster Co. Solid Waste Commission	SW	500

TOTAL 5,400

The \$200 penalty assessed to Breeden Shop Building (Linn Co.) has been rescinded.

E93May-24

# Environmental Protection Commission Minutes

May 1993

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS May 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	How or Updated Status	Date
Al's Corner Oil Co. Carroll (4)	Updated	Hazardous Condition	Remedial Action	Order	Referred Petition Filed Remediation Plan Rejected 12/16/91 12/16/92 3/30/93
Americas Meat Protein Corp Lytton (3)	Updated	Wastewater	Pre-treatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date 10/21/91 4/30/92 12/16/92 1/25/94
Ames Golf & Country Club Ames (5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred 8/19/91
Ames, William D. Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred 2/15/93
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Suit Filed Trial Date 8/21/90 10/15/90 9/27/91 10/25/93
Anthony, City of (3)		Wastewater	Discharge Limits	Order	Referred Petition Filed 11/16/92 3/22/93
Bchounck, Paul and Todd Tama (5)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed 5/18/92 12/11/92
Birnsingh, Kirshas A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed 6/15/92 12/11/92
Soley, Fred d/b/a Boley Oil McCausland (6)	Updated	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed Trial Date 2/17/92 9/03/92 12/14/92 3/26/93
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Aurelia (3)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Guilty Plea 7/15/91 5/19/92 3/16/93
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed 4/15/91 3/25/92
Centerville, City of (5)		Wastewater	Pre-treatment	Order/Penalty	Referred 10/19/92
Central Paving Corp. Indianola (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Consent Decree (\$300-Admin./\$1,000/ Civil, Injunction) 10/19/92 2/25/93 4/13/93
Chicago, Central and Pacific R.R. Ft. Dodge (1)	Updated	Wastewater	Mtrg/Rprtg Effluent Limits	Referred to Attorney General	Referred Consent Decree (\$15,000/Civil) 9/21/92 4/27/93
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)	Updated	Hazardous Condition	Remedial Action	Order	Petition for Judgment Review Petition for Judgment Review Petition for Judgment Review Order/Chicago Verdict to Hardin Co. Oral Arguments Order Confirmed 8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93

E93May-25

May 1993

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 ATTORNEY GENERAL REFERRALS  
 May 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	How or Updated Status	Date
Chicago & Northwestern Transportation Co. Stawood (6)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed 5/07/92 4/08/93
Cota Industries, Inc. Des Moines (5)	Updated	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed 4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Cumes Homes, Ltd. Cartisle (5)	New	Air Quality	Open Burning	Order/Penalty	Referred Penalty Paid (\$500) 4/19/93 4/20/93
Defanos Lounge Washington (6)	Updated	Drinking Water	MCL-Bacteria Mrg/Rptg.- Nitrate	Order/Penalty	Referred Petition Filed 1/19/93 4/02/93
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed 12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murrey; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed 6/15/92 3/04/93
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331) 4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct. of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence 9/16/91 9/18/91 1/20/92 1/22/92 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Appeal to Ia. Supreme Court State Filed Brief Oral Arguments 4/12/91 3/02/92 3/21/92 8/03/92 5/13/93
Folmsd, Clloyd Decatur Co. (5)		Flood Plain	Unauthorized Construction	Order Penalty	Post-Judicial Review Enforcement Supreme Court Affirmed Post-Judicial Review Enforcement 12/07/92 12/07/92 2/01/93
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed 5/29/92 3/26/93
Giese Construction Co. Ft. Dodge (2)		Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed 1/19/93 3/26/93
Grell, Don d/b/s Dodger Enterprises Ft. Dodge (2)	Updated	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Date 3/15/93 3/25/93 4/19/93
Hoyt, Tony L. d/b/s Lake Wilderness Camp Lee County (6)	Updated	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed 2/15/93 4/15/93

E93May-26

# Environmental Protection Commission Minutes

May 1993

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS May 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Humboldt County Sanitary Landfill (2)	Updated	Solid Waste	Cover Violations; Other	Referred to Attorney General	Referred Consent Decree (\$6,000/Civil, Injunctions)	5/29/92 4/20/93
IBP, Inc. Columbus Junction (6)		Wastewater	DNR Defendant	Dismiss	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal	3/1/92 10/28/92 11/06/92 12/16/92 1/11/93
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed	12/16/91 9/01/92
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed	5/18/92 9/01/92
Loftis, R. D. d/b/a Loftis Veterinary Services Osage (2)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Motion for Default Judgment on Default (\$2,500/Civil, Injunction)	4/20/92 12/18/92 3/30/93 4/13/93
Lytton, City of (3)	Updated	Wastewater	Pre-treatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC) Trial Date	5/16/92 12/28/92 1/23/94
Measdam, Donald Rolfs (3)		Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinist Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Dismiss	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Discretion	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)	Updated	Drinking Water	Mtrg/Rptg. MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/21/92 4/21/93
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Pre-Trial Hearing Trial Date Guilty Verdict Motion for New Trial Hearing on Motion	12/11/89 7/19/91 7/31/92 1/22/93 1/25/93 2/12/93 3/16/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Updated	Drinking Water	Mtrg/Rptg. Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Marquis, Craig d/b/a Seven Ponds Park Sperry (6)		Drinking Water	Mtrg/Rptg. Bacteria & Nitrate	Order/Penalty	Referred Payment Schedule (\$135/Admin.)	12/21/92 3/08/93
Nelson, Harold d/b/a Nelson Phillips 66 Harlow (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92

E93May-27

May 1993

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
May 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Pittman, Devo Des Moines (5)	New	Air Quality	Open Burning	Order/Penalty	Referred Penalty Paid (\$300)	4/19/92 4/28/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camarache (6)		Drinking Water	Ming/Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/6/93
Price, John, Bradford Paving Bradford (2)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/19/92 12/24/92
Sailer, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schultz, Albert and Iowa Iron Works Ely (1)	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/26/89 8/08/90 11/08/93
Shelley, Roberto and Sally Guthrie Center (4)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Adm. . Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4-15-91 7-18-91 5-19-92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)		Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed	10/19/92 3/08/93
Sao Line Railroad Co. Mason City (2)		Wastewater Hez. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed	7/15/91 12/17/92
Stark, Maroon Kellerton (4)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 4/16/93
Starling, Vern Perry (5)	Updated	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93
Tandem-Oak Park Assoc. Fort Dodge (2)	Updated	Drinking Water	Ming/Rptg. Bacteria/Inorg. Organics/Radi.	Order/Penalty	Referred Motion for Judgment	7/20/92 4/07/93
Van Hulzen, Kenneth Oskaloosa (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment	6/15/92 12/02/92
Vonderhaar, Leonard Holy Cross (1)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	8/17/92 3/24/93
Winterset, City of (5)		Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed	7/20/92 3/23/93
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young Radiator Co. Centerville (5)		Wastewater	Pretreatment	Order	Referred	11/15/92

# Environmental Protection Commission Minutes

May 1993

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES May 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency HWP	Administrative Order	WM	Hansen	Facility requested DMR calculate M&A and permit limits for proposed upgrade.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court. Hearing 5/13/93.
2-05-88	Warren County Branton Bank	Administrative Order	UT	Morrison	SCR submitted - more work required.
10-20-88	North Co. Co-Op Oil Northwest Cooperative Elevator Survey Refining and Marketing Co.	Administrative Order	NC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing 7/16/93.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Morrison	Clean-up progressing. Review progress.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Morrison	Compliance initiated. Review progress.
6-08-89	Shaver Road Investments	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	WM	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	NC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	NC	Murphy	Petition for judicial review of agency action. Oral argument 3/10/93.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	NC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	NC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	NC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	NC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Tesaco Inc./Chempex Co. Site	Site Registry	WM	Landa	Settlement proposed.
5-14-90	Van Buren Airport Services	Administrative Order	NC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	NC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	City response under review by EPD.
6-26-90	Maple Crest Hotel and Mobile Home Park	Administrative Order	US	Hansen	Settled.
7-02-90	Kookab Savings Bank and Trust Kookab Coal Gas Site	Site Registry	WM	Landa	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	WM	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust).
8-01-90	J.I. Case Company	Site Registry	WM	Preziosi	Hearing set for 8/5/93.
9-10-90	IBP, Inc. Columbus Junction	Administrative Order NPDES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DMR. Appeared to Supreme Court.
9-12-90	Michael & Joyce Howe; George H. Gronau	Administrative Order	UT	Morrison	Finalize settlement re: SCR 4/16/93.

E93May-29



May 1993

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
May 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-20-90	Duane Schwartzing	Variance Denial	SU	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Vornson	Investigate alternatives-finalize inability, etc.
10-18-90	Marlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SU	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Vornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SU	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SU	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued to 8/29/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADN - Cedar Rapids	Conditional Permit	AO	Preziosi	Negotiating settlement.
3-22-91	Mitchell Bros. Soars and Gilts	Administrative Order	WM	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WM	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WM	Hansen	Revised schedule requested by city manager. WLA completed-new permit limits to City.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Vornson	Consent order drafted. Awaiting execution.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SU	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance hearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SU	Kennedy	Negotiating before filing.
12-03-91	State Central Bank	Administrative Order	UT	Vornson	Closure report received. Closed..
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Hearing set for 4/21/93.
1-07-92	Wlots, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Nickory Hollow Water Co.	Administrative Order	WS	Hansen	Ltr. received 7/28/92 regarding compliance. Settlement offer to WS.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Vornson	Meeting 3/25/92. Drafting document.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-25-92	Nordstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
2-28-92	William H. Viner	Administrative Order	UT	Vornson	Consent order drafted. Awaiting execution.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Vornson	Second penalty installment overdue.
3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Vornson	Second penalty installment overdue.

E93May-30

# Environmental Protection Commission Minutes

May 1993

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES May 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-30-92	White Consolidated Industries	Administrative Order	WM	Hansen	Negotiating before filing.
3-30-92	Dennis Frank/Dennis Steib d/b/a Franks Auto Salvage	Administrative Order	AG	Kennedy	Negotiating before filing.
4-03-92	Charles P. Schefer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Vornson	Hearing postponed. County taking tax deed. Inability to pay documents sent.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SM	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	US	Hansen	Emergency AG issued supplementing 2nd Emergency AG
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Vornson	Negotiating before filing.
4-16-92	Suedale, City of	Administrative Order	VS	Hansen	\$100 penalty paid. Settled.
4-24-92	Charles A. Kerr	Administrative Order	UT	Vornson	Financial inability claimed. Requesting documents.
4-30-92	Poweshiek Water Assoc.	Administrative Order	VS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AG	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Vornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AG	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Vornson	Hearing postponed. Settlement possible.
6-15-92	Country Estates H&P	Administrative Order	VS	Clark	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SM	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig; Jena, Inc.; Molo Oil Co.; TFW Co.	Administrative Order	UT	Vornson	Settlement proposed. Join IDOT if UST on right-of-way.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SW	Kennedy	Hearing 5/18/93.
7-01-92	Richard A. Neuman	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WM	Murphy	Firestone proceeding with site investigation
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Vornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Vornson	Compliance initiated-awaiting report.

E93May-31

May 1993

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
May 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-02-92	South High Point Well Assn. #1	Administrative Order	WS	Hansen	Admin. Consent Order agreed to by Dept. and Assn. Settled.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Negotiating before filing.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace HUP	Administrative Order	WM	Hansen	Negotiating before filing.
9-28-92	Don Ferkel	Administrative Order	AQ	Preziosi	Settlement close.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Party has intervened. Settlement possible. Schedule hearing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-16-92	Country Mobile Home Court	Administrative Order	WS	Hansen	Penalty paid. Settled.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. Making demand for penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Negotiating before filing.
10-28-92	Albert Rohrer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WM	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WM	Hansen	Letter requests revised site assessment plan by 3/93. 3/93 revised site assessment work plan to FOS.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WM	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Wornson	Settlement awaiting signature.
12-14-92	Quantum	Permit Conditions	WM	Hansen	1/23/93 - info submitted for EPD review. 3/30/93 Dept. settlement offer made.
12-14-92	Gary Lator	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	ISP, Inc. Geneseo, IL	SUA Denial	SW	Kennedy	Negotiating before filing.
12-28-93	Balbart Beverage Co., Inc.	Administrative Order	UT	Wornson	Letter regarding penalty sent.

# Environmental Protection Commission Minutes

May 1993

## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES May 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Tolado)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Lehigh Portland Cement	Permit Conditions	WM	Hansen	Negotiating before filing.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRB Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Negotiating before filing.
2-24-93	Salem Lutheran Church	US Classification	US	Clark	Negotiating before filing.
3-04-93	Diversified Industries	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/09/93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Remu, Inc.	Administrative Order	SW	Wornson	Negotiating before filing.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Negotiating before filing.
3/19/93	Solnam Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/29/93	Renning Wood, Inc.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/02/93	Newton, City of	Administrative Order	SW	Kennedy	New case.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	New case.
4/05/93	Hapleton, City of	WQ Operator Certification	WM	Hansen	New case.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	New case.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WM	Preziosi	New case.
4/09/93	Wells Dairy, Inc.	Administrative Order	WM	Hansen	New case.
4/12/93	LeMars, City of	Administrative Order	WM	Hansen	New case.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	New case.
4/19/93	Council Bluffs, City of	Permit Conditions	WM	Hansen	New case.
4/19/93	Enviro Safe Air	Administrative Order	AQ	Preziosi	New case.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	New case.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	New case.
4/26/93	Caseys General Store	Administrative Order	AQ	Preziosi	New case.
4/26/93	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	New case.

Mr. McAllister presented the monthly reports and related that he would answer any questions the Commission might have.

William Ehm commented that he found 21 updates in reviewing the Attorney General Referrals report and he was very encouraged to see that many updates.

Chairperson Hartsuck asked about the schedule for the SWA rules on the Rulemaking Status Report.

Mike Murphy stated that last week the Administrative Rules Review Committee requested the department to do an Economic Impact Statement on the SWA rules, so it may possibly cause a three month delay in the rules.

Charlotte Mohr commented that there was spill in Scott County yesterday and the Washington Field Office was called but there was no answer. She asked if the Field Office has a 24-hour number.

Mr. McAllister answered that the Washington Field Office does not have a 24-hour number but there is a 24-hour emergency number into the main office in the Wallace Building. He related that the emergency response number is published in the phone books.

INFORMATIONAL ONLY

## PUBLIC WATER SUPPLY INFORMATION VIDEOS

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

In August, 1992 the Department and the Iowa Association of Municipal Utilities (IAMU) entered into a contract for the IAMU to prepare a video for public water supplies. The video was to explain that the public water supply is responsible for providing safe water and meeting all of the requirements of testing and treating drinking water supplies. The contract also included the development of a decision makers guide book to help managers of public water supplies determine if they are capable of meeting the existing and new requirements.

The video has been completed and will be presented to the Commission. MaryAnn DeVries from IAMU will be present to discuss the video.

Mr. McAllister introduced Mary Ann DeVries of the Municipal Utilities Association. She presented some background on the Association and noted that they have 137 city owned electrics, 46 city owned gas companies, and they represent 468 city owned water utilities. Ms. DeVries related that the utilities needed some examples of what was happening in the state and therefore developed a video to demonstrate some of the options available to small communities. She showed the video and explained how utilities could do restructuring.

Discussion followed.

Ms. DeVries stated that she would now like to do a water resources inventory, at least within the Association.

Charlotte Mohr suggested asking if there are any abandoned wells on the property when conducting the survey.

**INFORMATIONAL ONLY**

**CONTESTED CASE DECISION APPEAL--HARLAN AND ELAINE PRUESS**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 19, 1990, the Department made a claim for payment of \$112,023.37, directed to Harlan Pruess, d/b/a Pruess Elevator, Inc. The claim was for cleanup costs incurred by the Department associated with removal of approximately 13,000 bushels of corn contaminated with aflatoxin. On September 20, 1990, the Department filed a lien on real property owned by Harlan and Elaine Pruess, in connection with that same matter. Those actions were appealed and the matter proceeded to administrative hearing on October 1, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 18, 1993. The decision affirms the claim against Harlan Pruess, determines that no claim has been filed against Pruess Elevator, Inc. or Elaine Pruess, and determines that a portion of the cleanup costs are not included in the lien.

The Department and Harlan and Elaine Pruess have appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

**Appointment - Patrick Robey**

Patrick Robey, Attorney for Harlan and Elaine Pruess, stated that the Pruess's were instructed through an ALJ decision to pay a bill in the amount of \$112,000, which is an amount incurred by the state to clean up some Aflatoxin corn in Cedar county. He reviewed that in February 1990, Pruess Elevator purchased the Aflatoxin corn from Farmers Home Administration in Oklahoma and brought it out to property in Cedar county. On March 16, the Department of Agriculture (DALS) issued a Stop Order to Pruess Elevator, Inc. stating not to move any corn. In April, DNR

issued an Emergency Order entitled "In the Matter of Mr. Harlan Pruess d/b/a Pruess Elevator, Inc. - Lowden, Iowa," ordering him to come up with a way to get rid of the corn. Mr. Robey stated that ultimately the state hired a group from Illinois to do the cleanup. In September 1990, the state billed the Pruess's and filed a "Notice of Lien" for the \$112,000. He noted that the Pruess's appealed as everything was previously dealt with through Pruess Elevator, Inc., and the ALJ ruled that since Harlan Pruess was the person principally involved, it was the same as Pruess Elevator, Inc. Mr. Robey contended that the state should have gone after Pruess Elevator, Inc., a separate entity, as they had control of the corn. He related that from day one the Pruess's appeal stated that they had the wrong party and needed to go after the Corporation. Additionally, the Corporation proposed alternative methods of disposal that were far less expensive, and they want someone to listen to whether what the state did was proper or whether the proposals should be heard. He related that the Corporation should be considered because they have a number of defenses, one being that they could have disposed of the corn for about \$3,000 to \$4,000.

Discussion followed regarding CERCLA rules being applied by analogy.

Margaret Prah! asked Mr. Robey what he is requesting the Commission to do.

Mr. Robey stated that he is asking that the demand for payment be directed to Pruess Elevator, Inc. not Harlan and Elaine Pruess. Also, that Pruess Elevator, Inc. be given the right to come in and show that the cleanup costs were exorbitant. He expanded on the issues he is asking to be reversed.

William Ehm asked if Mr. Robey is saying that CERCLA does not apply even though the ALJ referred to CERCLA cases.

Mr. Robey stated that the ALJ says CERCLA does not apply but CERCLA states that landlords can be liable for cleanup costs, and since CERCLA states that, the ALJ is saying it applies here.

Rozanne King asked Mr. Robey what his second concern was.

Mr. Robey stated that the ruling by the ALJ was that the Emergency Order entered on April 5 was not appealed by the individuals and as a result they could not now, in appealing the fine, challenge the reasonableness of having the cleanup done another way. He related that he feels they should be allowed to be heard on that issue.

Mr. Murphy stated that the department is basically satisfied with the ALJ decision but has two points they wish to appeal. One being whether or not the department stated a claim against a corporation. The staff feel they stated a claim against both. He noted that the Emergency Order was captioned the same as used throughout the case which is "Harlan Pruess d/b/a Pruess Elevator, Inc." The Corporation appealed the Emergency Order and a hearing was set, then they withdrew the appeal and proceeded in District Court. The District Court and the Iowa Supreme Court ruled it inappropriate as they should have exhausted all means of administrative remedy. Mr. Murphy cited a case (Wyatt vs. Crimmins) which was a Notice case, and staff feel under the circumstances in this case, adequate notice was given to the Corporation. He asked the



Commission to agree with the department's conclusion that both the individual and the corporation were appropriately named and the claim should be valid as to both. Mr. Murphy stated that in regards to individual liability versus corporate liability, there has been case after case cited, many of which are CERCLA cases but not all of them. He noted the Matter of Dougherty case citing the "Responsible Corporate Officer Doctrine" which goes back into common law. He related that most of the CERCLA cases cited draw heavily on common law, not just the statute. Mr. Murphy added that Harlan Pruess, as corporate officer and as landlord, is the responsible person having control. Mr. Murphy also discussed the issue of the interpretation of the word "incurred," as the statute states that a lein is to be filed within 120 days after costs are incurred. He reasoned that costs are not incurred until the work is actually done because there is no obligation to pay until the work is done. He related that it wasn't until August that the costs were firmed up, following a dispute on the amount of the bill. Mr. Murphy noted that staff brought it to the Commission at the first opportunity after firming up the bill, and immediately filed the lein following Commission approval.

Margaret Pahl noted that the department states the bill of sale is ambiguous as to who actually bought the corn and asked Mr. Murphy and Mr. Robey to comment on that issue.

Mr. Murphy noted that the bill of sale is in Exhibit 3. He related that one of the Pruess's arguments is that they consistently used the name of Pruess Elevator, Inc. throughout the proceedings. He pointed out that the bill of sale uses the terminology "Pruess Elevator," not indicating it was a corporation, and it was signed by Harlan Pruess, again not indicating him as the president of a corporation.

Mr. Robey stated that all of the correspondence between the FHA and Pruess Elevator, Inc. is related to Pruess Elevator, Inc. He added that the bill of sale does say "Pruess Elevator" but the Iowa Department of Agriculture addressed the Stop Order to Pruess Elevator, Inc. and the cover letter is also addressed to Pruess Elevator, Inc. He related that the bill of sale is the only document in this case he is aware of where the letters "Inc." do not appear.

Margaret Pahl asked whose handwriting is on the bill of sale.

Mr. Robey stated that the handwritten part was done by Harlan Pruess but the typed portion was prepared by the government. He noted that the check to pay for the corn was drawn on Pruess Elevator, Inc.

Mr. Murphy stated that the department did not have many of the documents at the time this came up but one of the main documents they did have was the bill of sale, and therefore issued all documents to both Mr. Pruess and the corporation.

Further discussion took place in regards to CERCLA provisions, and also holding an agent of a corporation liable when acting as an employee of the corporation.

William Ehm stated that this is a complicated case in which he previously read through the materials provided, and now having heard oral arguments he would like to study it for another

month then review it again. He added that since he now has a better understanding of the issues he could review it and comprehend it more fully.

*Motion was made by William Ehm to table the decision on the Harlan and Elaine Pruess Contested Case for one month. Seconded by Margaret Prael.*

Nancylee Siebenmann stated that she supports the motion because she also has become clearer on the issues and as a result of that would like to go back and review it.

Charlotte Mohr stated that if it is tabled for a month she would like to hear the tapes.

Mr. Murphy stated that staff can and will make copies of the tapes to send to each Commissioner.

Margaret Prael stated that she would be interested in having the lawyers brief the issue of the effect of the bill of sale to Pruess Elevator, signed by Harlan Pruess individually, without any designation of corporate status. She also requested the lawyers to provide any case law they may have on that issue.

*Vote on Commissioner Ehm's motion to table for one month carried unanimously.*

TABLED FOR ONE MONTH

Commissioner Ehm left the meeting at this point (2:45 p.m.).

Nancylee Siebenmann stated that she knows Mr. Robey and his family; however, she does not feel that that would make any difference in her looking at the case on the basis of its merits. She related that she respects him as she does Mr. Murphy so there would be no difference.

#### **FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS: STREAM USE DESIGNATION - PHASE V**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission is requested to approve the attached Final Rule for revisions to Chapter 61, Water Quality Standards - Use Designations, Round V. Round V represents fifth part of a multi-year effort begun in 1990 to assess all streams, lakes and wetlands in Iowa and assign use designations consistent with Water Quality Standards adopted in 1990. The rules as proposed include:

- Streams previously designated as B (warmwater) which would become B (significant resource warmwater) streams.

- Streams previously designated as B (warmwater) which would become B (limited resource warmwater) streams.
- Streams previously considered as General Classified waters which would become B (limited resource warmwater) streams.
- Protected flows for a number of the streams.

All the above streams are General Use or "undesignated" streams under current administrative rules; the "previous" use referred to above reflects the pre-1990 use designation.

A Notice of Intended Action was published in the IAB in February 1993. In addition, a hearing notice was sent to 35 cities and industries whose wastewater facilities could be impacted by the proposed use designations and to statewide news network organizations. Five public hearings were held through the state in March 1993. Thirty one oral and 58 written comments were received at the hearings and during the comment period. A Responsiveness Summary was prepared which addresses all written and oral comments received and a copy of the summary is attached.

Only two comments challenged the use designation proposed for a particular stream (Unnamed Creek, Northeast River Basins), prompted primarily by the impact the use designation would have on the city of Winthrop's wastewater discharge. The Department feels their wastewater discharge concerns are unwarranted and the proposed use (B limited resource) is appropriate. No changes from the original use designation are being recommended. The city of Cedar Falls specifically endorsed the recommended use designation for Dry Run Creek.

The remainder of the comments dealt primarily with procedural and implementation matters rather than specific use designations. In particular, many comments were received on the impact the proposed Class B use designations would have on streams lying within organized drainage districts. Drainage district interests questioned whether the use designations would prohibit ditch maintenance. The Department's position is that the proposed use designations would have no effect on ditch maintenance and is recommending no changes to the use designations as proposed nor is it currently recommending changes to the Water Quality anti degradation language as suggested by some. The Department is agreeable to revising the language in the anti degradation policy for clarification but a separate rule making effort is needed to do so.

If approved, the use designations and protected flows would become effective on July 1<sup>st</sup> 1993.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends Chapter 61, "Water Quality Standards," Iowa Administrative Code.

The amendment, as adopted by the Environmental Protection Commission at its May 17, 1993 meeting, establishes designated uses for various water bodies for the purpose of applying existing surface water quality criteria, reclassifying the existing use designation for a stream, and revise the publication date on a rule referenced document, "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments."

A Notice of Intended Action was published on February 17, 1993, as ARC 3756A. Public hearings were held on: March 9, 1993 in Denison and Algona, and March 10, 1993 in Independence, Des Moines, and Decorah. A notice of the hearings was sent to the 35 cities and industries whose wastewater treatment facility may be affected by the proposed rule, and statewide news network organizations. Thirty one oral and 58 written comments were received during the public comment period. A responsiveness summary was prepared addressing all written and oral comments. The final rule has not been changed from the notice.

These rules are intended to implement Iowa Code chapter 455B, division III, part I. These rules become effective July 14, 1993 after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

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ITEM 1. Amend subrule 61.2(5), first unnumbered paragraph to reflect the revised date for the rule referenced document as follows:

The minimum flows, commonly termed protected flows, are presented in "Iowa Water Quality Standards: Protected Flows For Selected Stream Segments", ~~dated February 25, 1992~~ February 1, 1993. A copy of this document is available upon request from the department. A copy is also on file with the Iowa Administrative Rules Coordinator.

ITEM 2. Insert the following into subrule 61.3(5)"e" in its natural sequence or hydrological order:

(See Next Page)

# Environmental Protection Commission Minutes

May 1993

## Iowa Water Quality Standards Water Use Designations

### NORTHEASTERN IOWA RIVER BASINS

#### MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES

#### YELLOW R. AND ITS TRIBUTARIES

	A	B(W)	B(LR)	B(LW)	B(CU)	C	HQ	HQR
Nickery Cr.								
24. South line of S28, T96N, R5W, Allamakee Co. to confluence with an unnamed tributary (S5, T95N, R5W, Clayton Co.)			X					
Williams Cr.								
25. Mouth (S9, T96N, R5W, Allamakee Co.) to confluence with an unnamed tributary (S17, T96N, R5W, Allamakee Co.)			X					
Unnamed Cr.								
26. Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)			X					
North Fork Yellow River								
27. Mouth (S13, T96N, R7W, Winneshiek Co.) to confluence with an unnamed tributary (S3, T96N, R7W, Winneshiek Co.)			X					
PAINT CR. AND ITS TRIBUTARIES								
Paint Cr.								
28. Road Crossing (S18, T97N, R4W, Allamakee Co.) to confluence with an unnamed tributary (S15, T97N, R5W, Allamakee Co.)			X					
UPPER IOWA R. AND ITS TRIBUTARIES								
Canoe Cr.								
29. West line S8, T99N, R8W, Winneshiek Co. to confluence with an unnamed tributary (E 1/2, S31, T100N, R8W, Winneshiek Co.)			X					
Trout Cr.								
30. Confluence with Smith Cr. (aka Trout River) (S21, T98N, R7W, Winneshiek Co.) to confluence with an unnamed tributary (S 1/2, S29, T98N, R7W, Winneshiek Co.)			X					
Trout Cr.								
31. Confluence with an unnamed tributary (aka Trout Run) (S27, T98N, R8W, Winneshiek Co.) to confluence with an unnamed tributary (aka Trout Cr.) (S33, T98N, R8W Winneshiek Co.)			X					

May 1993

# Environmental Protection Commission Minutes

## Iowa Water Quality Standards: Protected Flows For Selected Stream Segments

Prepared by the Department of Natural Resources

February 1, 1993

## Iowa Water Quality Standards: Protected Flows For Selected Stream Segments

The following stream segments have had a protected flow established in lieu of the seven-day, ten-year, low flow (7Q10). The protected flows are numerically larger than the 7Q10 flows. It has been determined that the designated uses are present at the protected flow levels and are not sufficiently present at the 7Q10 level to warrant maintaining the 7Q10 value as the applicable stream flow condition. The numerical criteria in the Water Quality Standards will be met within designated streams when the stream flow equals or exceeds the protected flow, if established, or the natural 7Q10 value. These protected flows have been established following the procedures set forth in Chapter 61.2(5) and described in the "Supporting Document for Iowa Water Quality Management Plans" revised March 20, 1990.

### WESTERN IOWA RIVER BASINS

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Western Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow listings.

Bacon Cr.	31	Montgomery Cr.	33
Battle Cr.	23	Moser Cr.	5
Beaver Cr.	9	Mosquito Cr.	4
Big Cr.	30	Mud Cr.	19
Broken Kettle Cr.	17	Mud Cr.	28
Deep Cr.	12	Ocheyedan R.	37
Dry Run	40	Odebolt Cr.	27
East Boyer R.	6	Otter Cr.	21
East Soldier R.	8	Perry Cr.	16
Floyd R.	10	Pickerel Run	36
Indian Cr.	18	Plum Cr.	1
Jordan Cr.	7	Prairie Cr.	34
Keq Cr.	3	Silver Cr.	24
Little Floyd Cr.	15	Stony Cr.	38
Little Maple R.	25	Unnamed Cr.	22
Little Ocheyedan R.	39	Waubonsie Cr. Ditch	2
Little Rock R.	20	West Branch Floyd R.	13
Little Sioux R.	41	West Fork Little Sioux R.	42
Lost Island Outlet	35	Whiskey Cr.	29
Maple Cr.	26	Willow Cr.	11
Mink Cr.	14	Willow Cr.	32

### Missouri R. Tributaries)

- Plum Cr.  
1. Mouth (S6, T69N, R43W, Fremont Co.) to confluence with an unnamed tributary (S29, T70N, R42W, Fremont Co.)

### Protected Flow (cfs)

0.5

# Environmental Protection Commission Minutes

May 1993

	Protected Flow (cfs)
<u>Mauboussie Cr. Ditch</u>	
2. Mouth (S8, T70N, R43W, Fremont Co.) to confluence with an unnamed tributary (S2S, T71N, R43W, Mills Co.)	0.5
<u>Keg Cr.</u>	
3. Mouth (S6, T71N, R43W, Mills Co.) to confluence with an unnamed tributary (S1/2, S3S, T78N, R41W, Harrison Co.)	2
<u>Mosquito Cr.</u>	
4. Confluence with Neola Cr. (Pottawattamie Co.) to confluence with Moser Cr. (S12, T80N, R40W, Shelby Co.)	2
<u>Moser Cr.</u>	
5. Mouth (Shelby Co.) to confluence with an unnamed tributary (S30, T81N, R39W, Shelby Co.)	1
<u>East Boyer R.</u>	
6. Mouth (S10, T83N, R39W, Crawford Co.) to confluence with an unnamed tributary (NW1/4, S1S, T84N, R37W, Crawford Co.)	1
<u>Jordan Cr.</u>	
7. Mouth (S16, T82N, R43W, Monona Co.) to confluence with an unnamed tributary (SE 1/4, NE1/4, S10, T83N, R43W, Monona Co.)	0.5
<u>East Soldier R.</u>	
8. Mouth (S34, T84N, R42W, Monona Co.) to confluence with Emigrant Cr. (S23, T84N, R41W, Crawford Co.)	2
<u>Beaver Cr.</u>	
9. Mouth (S1, T85N, R41W, Crawford Co.) to confluence with an unnamed tributary (NW 1/4, S9, T85N, R40W, Crawford Co.)	1
<u>Floyd R.</u>	
10. Confluence with Plymouth Cr. (Plymouth Co.) to confluence with North Fork (S9, T97N, R41W, O'Brien Co.)	2
<u>Willow Cr.</u>	
11. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NE1/4, S11, T93N, R44W, Plymouth Co.)	2
<u>Deep Cr.</u>	
12. Mouth (Plymouth Co.) to confluence with an unnamed tributary (S3S, T94N, R43W, Sioux Co.)	2
<u>West Branch Floyd R.</u>	
13. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NE1/4, S1S, T96W, R44W, Sioux Co.)	2
<u>Mink Cr.</u>	
14. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NE1/4, S21, T93N, R46W, Plymouth Co.)	1
<u>Little Floyd Cr.</u>	
15. Mouth (Sioux Co.) to confluence with Lamkin Cr. (S8, T96N, R42W, O'Brien Co.)	1
<u>Perry Cr.</u>	
16. Mouth (S32, T89N, R47W, Woodbury Co.) to confluence with an unnamed tributary (S3S, T91N, R47W, Plymouth Co.)	1.0
(Big Sioux R. Basin)	
<u>Broken Kettle Cr.</u>	
17. Mouth (S9, T90N, R48W, Plymouth Co.) to confluence with an unnamed tributary (S1S, T92N, R47W, Plymouth Co.)	1.0
<u>Indian Cr.</u>	
18. Mouth (S9, T93N, R48W, Plymouth Co.) to confluence with an unnamed tributary (S33, T94N, R47W, Sioux Co.)	1.0
<u>Rock R.</u>	
<u>Mud Cr.</u>	
19. Mouth (Lyon Co.) to the Iowa-Minnesota state line	0.5
<u>Little Rock R.</u>	
20. Mouth (Lyon Co.) to the Iowa-Minnesota state line	0.5
<u>Otter Cr.</u>	
21. Mouth (Lyon Co.) to confluence with an unnamed tributary (S14, T99N, R42W, Osceola Co.)	0.5
(Big Sioux R. Basin)	
<u>Unnamed Cr.</u>	
22. Mouth (S16, T98N, R48W, Lyon Co.) to confluence with an unnamed tributary (S22, T98N, R48W, Lyon Co.)	0.25

E93May-43



May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<u>LITTLE SIOUX RIVER SUBBASIN</u> (Maple River tributaries)	
<u>Battle Cr.</u>	
23. Mouth (S26, T87N, R41W, Ida Co.) to confluence with an unnamed tributary (SW 1/4, S24, T88N, R41W, Ida Co.)	1
<u>Silver Cr.</u>	
24. Mouth (S13, T88N, R39W, Ida Co.) to confluence with South Silver Cr. (S16, T88N, R39W, Ida Co.)	0.5
<u>Little Maple R.</u>	
25. Mouth (SW 1/4, S34, T90N, R39W, Cherokee Co.) to confluence with an unnamed tributary (NE 1/4, S20, T90N, R38W, Buena Vista Co.)	2
<u>Maple Cr.</u>	
26. Mouth (S5, T91N, R39W, Cherokee Co.) to confluence with an unnamed tributary (W 1/2, S1, T91N, R39W, Cherokee Co.)	1
<u>Maple River Tributary</u>	
<u>Odesia Cr.</u>	
27. Mouth (Ida Co.) to confluence with an unnamed tributary (S24, T87N, R39W, Ida Co.)	1
<u>West Fork Little Sioux R. tributary</u> (mouth in Monona Co.)	
<u>Mud Cr.</u>	
28. Mouth (S31, T89N, R44W, Woodbury Co.) to confluence with an unnamed tributary (S1, T89N, R44W, Woodbury Co.)	1
<u>Whiskey Cr.</u>	
29. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NW1/4, S11, T93N, R44W, Plymouth Co.)	2
<u>Little Sioux R. tributaries</u>	
<u>Big Cr.</u>	
30. Mouth (S4, T87N, R43W, Woodbury Co.) to confluence with Coon Cr. (S15, T88N, R43W, Woodbury Co.)	2
<u>Bacon Cr.</u>	
31. Mouth (S1, T88N, R43W, Woodbury Co.) to confluence with an unnamed tributary (S2, T88N, R42W, Ida Co.)	2
<u>Willow Cr.</u>	
32. Mouth (S17, T94N, R36W, Clay Co.) to confluence with an unnamed tributary (NW 1/4, S31, T95N, R37W, Clay Co.)	1
<u>Montgomery Cr.</u>	
33. Mouth (S3, T94N, R36W, Clay Co.) to confluence with an unnamed tributary (SE 1/4, S11, T94N, R36W, Clay Co.)	0.5
<u>Prairie Cr.</u>	
34. Mouth (S26, T96N, R36W, Clay Co.) to confluence with an unnamed tributary (S33, T96N, R36W, Clay Co.)	0.5
<u>Lost Island Outlet</u>	
35. Mouth (Clay Co.) to confluence with Pickerel Run (S17, T96N, R36W, Clay Co.)	1
<u>Pickerel Run</u>	
36. Mouth (Clay Co.) to confluence with an unnamed tributary (S31, T97N, R35W, Clay Co.)	0.5
<u>Ochevedan R.</u>	
37. Mouth (Clay Co.) to the Iowa-Minnesota state line	2
<u>Stony Cr.</u>	
38. Mouth (Clay Co.) to confluence with an unnamed tributary (S27, T98N, R38W, Dickinson Co.)	1
<u>Little Ochevedan R.</u>	
39. Mouth (Osceola Co.) to confluence with an unnamed tributary (NW1/4, S4, T98N, R40W, Osceola Co.)	1
<u>Dry Run</u>	
40. Mouth (Osceola Co.) to confluence with an unnamed tributary (S17, T99N, R39W, Osceola Co.)	0.5
<u>Little Sioux R.</u>	
41. Confluence with the W Fk. Little Sioux R (Dickinson Co.) to the Iowa-Minnesota state line	1
<u>West Fork Little Sioux R.</u>	
42. Mouth (Dickinson Co.) to the Iowa-Minnesota state line	1

E93May-44

# Environmental Protection Commission Minutes

May 1993

## SOUTHERN IOWA RIVER BASINS

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Southern Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow listings.

Bluegrass Cr.	62	Middle Silver Cr.	66
Brush Cr.	6	Mill Cr.	54
Camp Cr.	57	Mud Cr.	68
Cooper Cr.	7	North Fabious R.	5
Crooked Cr.	31	North Fox Cr.	2
Davis Cr.	61	Platte Branch	38
East Fork 102 R.	40	Platte R.	34
East Fork Grand R.	26	Platte R.	35
East Fork Medicine Cr.	14	Plum Cr.	33
East Nodaway	44	Sevenmile Cr.	30
East Platte R.	36	Shoal Cr.	13
East Tarkio Cr.	52	South Fork Chariton R.	10
Elk Cr.	20	South Wyaconda R.	4
Elk Cr.	72	Squaw Cr.	32
Elkhorn Cr.	58	Steel Cr.	16
Fisher Cr.	55	Tarkio R.	51
Fourmile Cr.	23	Thompson R.	19
Fox R.	1	Troublesome Cr.	60
Grand R.	28	Turkey Cr.	59
Grand R.	29	Twelvemile Cr.	22
Honey Cr.	39	Unnamed Creek	3
Indian Cr.	56	Walnut Cr.	3
Indian Cr.	67	Walnut Cr.	30
Jim Cr.	70	Walnut Cr.	54
Jennathan Cr.	17	Walnut Cr.	55
Jordan Cr.	69	Weldon R.	15
Little R.	18	West Branch Cr.	24
Little Walnut Cr.	9	West Fork 102 R.	42
Long Cr.	21	West Fork Middle Nodaway R.	47
Lotts Cr.	25	West Fork West Nishnabotna R.	71
Middle Branch 102 R.	43	West Jackson Cr.	11
Middle Fork 102 R.	41	West Nishnabotna R.	63
Middle Fork Grand R.	27	West Nodaway R.	45
Middle Nodaway R.	45	West Nodaway R.	49
Middle Nodaway R.	46	West Tarkio Cr.	52
Middle Platte R.	37	Wolf Cr.	12

	Protected Flow (cfs)
<u>Fox R.</u>	
1. Iowa-Missouri state line to confluence with North Fox Cr. Davis Co.	2
<u>North Fox Cr.</u>	
2. Mouth (Davis Co.) to confluence with unnamed tributary (S2, T69N, R15W, Appanoose Co.)	0.5
<u>Unnamed Creek</u>	
3. Mouth (SE1/4, S28, T69N, R15W, Davis Co. to the confluence with an unnamed tributary (S29, T69N, R15W, Davis Co.)	0.5
<u>South Wyaconda R.</u>	
4. Iowa-Missouri state line to confluence with an unnamed tributary (NE 1/4, S19, T68N, R13W, Davis Co.)	1
<u>North Fabious R.</u>	
5. Iowa-Missouri state line to confluence with an unnamed tributary (Center, S33, T68N, R15W, Davis Co.)	2
<u>Chariton River tributary</u>	
<u>Brush Cr.</u>	
6. Mouth (S6, T67N, R16W, Appanoose Co.) to confluence with an unnamed tributary (S22, T68N, R17W, Appanoose Co.)	1
<u>Cooper Cr.</u>	
7. Mouth (Appanoose Co.) to confluence with an unnamed tributary (S9, T68N, R19W, Appanoose Co.)	2
<u>Walnut Cr.</u>	
8. Mouth (Appanoose Co.) to confluence with unnamed tributary (S31, T69N, R19W, Appanoose Co.)	0.5
<u>Little Walnut Cr.</u>	
9. Mouth (Appanoose Co.) to confluence with Wolf Branch (S12, T69N, R19W, Appanoose Co.)	0.5
<u>South Fork Chariton R.</u>	
10. Mouth (Lake Rathbun) to outfall of Bob White State Park Lake (S4, T68N, R22W, Wayne Co.)	0.5

E93May-45

May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<u>West Jackson Cr.</u>	
11. Mouth (S28, T69N, R21W, Wayne Co.) to confluence with an unnamed tributary (S31, T69N, R21W, Wayne Co.)	1
<u>Wolf Cr.</u>	
12. Mouth (S15, T71N, R21W, Lucas Co.) to confluence with an unnamed tributary (E 1/2, NW 1/4, S8, T70N, R22W, Lucas Co.)	1
<u>Shoal Cr.</u>	
13. Iowa-Missouri State Line (Appanoose Co.) to confluence with an unnamed tributary (S28, T68N, R19W, Appanoose Co.)	1
<u>East Fork Medicine Cr.</u>	
14. Iowa-Missouri State Line (Wayne Co.) to confluence with an unnamed tributary (E 1/2, S24, T68N, R21W, Wayne Co.)	2
<u>Weldon R.</u>	
15. Iowa-Missouri State Line (Decatur Co.) to confluence with Mormon Pool (S28, T70N, R24W, Decatur Co.)	1
<u>Steel Cr.</u>	
16. Mouth (S 10/11 line, T67N, R24W, Decatur Co.) to confluence with an unnamed tributary (NE 1/4, S11, T68N, R24W, Decatur Co.)	1
<u>Johnathan Cr.</u>	
17. Mouth (S20, T69N, R24W, Decatur Co.) to confluence with Cobsville Cr. (W 1/2, S6, T69N, R24W, Decatur Co.)	0.5
<u>Little R.</u>	
18. Iowa-Missouri State Line (Decatur Co.) to Dan at road crossing (SE 1/2, NW 1/4, S30, T69N, R25W, Decatur Co.)	2
<u>Thompson R.</u>	
19. Confluence with Ninemile Cr. (Adair Co.) to confluence with Marvel Cr. (S8, T75N, R30W, Adair Co.)	2
<u>Elk Cr.</u>	
20. Mouth (S18, T68N, R26W, Decatur Co.) to confluence with an unnamed tributary (S20, T69N, R27W, Decatur Co.)	1
<u>Long Cr.</u>	
21. Mouth (S8, T69N, R26W, Decatur Co.) to confluence with East Long Cr. (S36, T71N, R27W, Clarke Co.)	1
<u>Twelve Mile Cr.</u>	
22. Mouth (S36, T71N, R28W, Union Co.) to confluence with an unnamed tributary (NW 1/4, NE 1/4, S22, T71N, R29W, Union Co.)	0.5
<u>Four Mile Cr.</u>	
23. Mouth (S2, T72N, R28W, Union Co.) to confluence with an unnamed tributary (E 1/2, S23, T72N, R28W, Union Co.)	0.5
<u>West Branch Cr.</u>	
24. Mouth (S34, T74N, R25W, Madison Co.) to confluence with an unnamed tributary (E 1/2, S32, T74N, R29W, Madison Co.)	1
<u>Locks Cr.</u>	
25. Iowa-Missouri State line (Ringgold Co.) to confluence with Tuckers Cr. (S12, T67N, R29W, Ringgold Co.)	0.5
<u>East Fork Grand R.</u>	
26. Iowa-Missouri State line (Ringgold Co.) to confluence with Gooseberry Cr. (S2, T68N, R29W, Ringgold Co.)	0.5
<u>Middle Fork Grand R.</u>	
27. Iowa-Missouri state line (Ringgold Co.) to confluence with an unnamed tributary (S13, T68N, R30W, Ringgold Co.)	0.5
<u>Grand R.</u>	
28. Iowa-Missouri state line (Ringgold Co.) to confluence with Crooked Cr. (S5, T68N, R30W, Ringgold Co.)	2
29. Confluence with Crooked Cr. (S5, T68N, R30W, Ringgold Co.) to bridge crossing (S25/36, T71N, R30W, Ringgold Co.)	1
<u>Walnut Cr.</u>	
30. Mouth (Ringgold Co.) to confluence with unnamed tributary (NE1/4, S36, T69N, R30W, Ringgold Co.)	1

E93May-46

# Environmental Protection Commission Minutes

May 1993

	Protected Flow (cfs)
<u>Crooked Cr.</u>	
31. Mouth (Ringgold Co.) to confluence with Brush Cr. (S28, T69N, R10W, Ringgold Co.)	0.5
<u>Squaw Cr.</u>	
32. Mouth (Ringgold Co.) to confluence with an unnamed tributary (S27, T70N, R10W, Ringgold Co.)	0.5
<u>Plum Cr.</u>	
33. Mouth (Ringgold Co.) to confluence with West Plum Cr. (S18, T70N, R10W, Ringgold Co.)	0.5
<u>Platte R.</u>	
34. Iowa-Missouri State line (S28, T67N, R12W, Taylor Co.) to confluence with an unnamed tributary (NE 1/4, S16, T68N, R12W, Taylor Co.)	2
35. Confluence with an unnamed tributary (NE 1/4, S16, T68N, R12W, Taylor Co.) to confluence with an unnamed tributary (NE 1/4, S16, T72N, R11W, Union Co.)	1
<u>East Platte R.</u>	
36. Mouth (S9, T70N, R11W, Ringgold Co.) to confluence with Middle Platte R. (S33, T71N, R11W, Union Co.)	1
<u>Middle Platte R.</u>	
37. Mouth (S33, T71N, R11W, Union Co.) to confluence with East Branch Middle Platte R. (S16, T71N, R11W, Union Co.)	1
<u>Platte Branch</u>	
38. Iowa-Missouri state line to bridge crossing (S16/17, T68N, R12W, Taylor Co.)	0.5
<u>Honey Cr.</u>	
39. Iowa-Missouri state line to confluence with unnamed tributary (S14, T69N, R12W, Taylor Co.)	0.5
<u>East Fork 102 R.</u>	
40. Iowa-Missouri state line to bridge crossing (Center, S8, T68N, R13W, Taylor Co.)	2
<u>Middle Fork 102 R.</u>	
41. Iowa-Missouri state line to Hwy 149 bridge crossing (S22/23, T69N, R14W, Taylor Co.)	1
<u>West Fork 102 R.</u>	
42. Confluence with West Branch 102 R. (S10, T68N, R13W, Taylor Co.) to confluence with unnamed tributary (S14, T71N, R14W, Adams Co.)	1
<u>Middle Branch 102 R.</u>	
43. Mouth (Taylor Co.) to bridge crossing at (S15/16, T70N, R13W, Taylor Co.)	1
<u>East Nodaway</u>	
44. Mouth (S6, T67N, R16W, Page Co.) to confluence with Shanghai Cr. (S16, T73N, R12W, Adams Co.)	2
<u>Middle Nodaway R.</u>	
45. Mouth (Montgomery Co.) to confluence with West Fork Middle Nodaway (S33, T74N, R13W, Adair Co.)	2
46. Confluence with West Fork Middle Nodaway (Adair Co.) to confluence with unnamed tributary (S1, T75N, R12W, Adair Co.)	1
<u>West Fork Middle Nodaway R.</u>	
47. Mouth (S33, T74N, R13W, Adair Co.) to confluence with Rutt Br. (S35, T75N, R13W, Adair Co.)	1
<u>West Nodaway R.</u>	
48. Mouth (S6, T67N, R16W, Page Co.) to confluence with Threemile Cr. (S35, T74N, R16W, Cass Co.)	2
49. Confluence with Threemile Cr. (S35, T74N, R16W, Cass Co.) to confluence with Whislers Branch (S17, T74N, R15W, Cass Co.)	1

	Protected Flow (cfs)
<u>Sevenmile Cr.</u>	
50. Mouth (S33, T73N, R36W, Montgomery Co.) to confluence with Fourmile Cr. (S33, T75N, R36W, Cass Co.)	2
<u>Tarkio R.</u>	
51. Confluence with East Tarkio Cr. (S9, T68N, R38W, Page Co.) to confluence with E. Tarkio Cr. (S4, T72N, R37W, Montgomery Co.)	1
<u>East Tarkio Cr.</u>	
52. Mouth (S9, T68N, R38W, Page Co.) to confluence with an unnamed tributary (S7, T69N, R37W, Page Co.)	1
<u>West Tarkio Cr.</u>	
53. Iowa-Missouri State line (Page Co.) to confluence with an unnamed tributary (S9, T69N, R38W, Page Co.)	1
<u>East Nishnabotna River tributaries</u>	
<u>Wolf Cr.</u>	
54. Mouth (S31, T68N, R41W, Fremont Co.) to confluence with an unnamed tributary (SE 1/4, NW 1/4, S15, T67N, R41W, Fremont Co.)	1
<u>Fisher Cr.</u>	
55. Mouth (S27, T69N, R40W, Fremont Co.) to confluence with an unnamed tributary (S11/12 line, T68N, R40W, Fremont Co.)	1
<u>Indian Cr.</u>	
56. Mouth (S17, T75N, R37W, Cass Co.) to confluence with Wolf Cr. (S35, T79N, R37W, Shelby Co.)	1
<u>Camp Cr.</u>	
57. Mouth (S5/6 line, T77N, R37W, Cass Co.) to confluence with an unnamed tributary (S16, T77N, R37W, Cass Co.)	1
<u>Elkhorn Cr.</u>	
58. Mouth (S20, T78N, R37W, Shelby Co.) to confluence with an unnamed tributary (S10, T78N, R37W, Shelby Co.)	1
<u>Curry Cr.</u>	
59. Mouth (S2, T75N, R37W, Cass Co.) to confluence with Siler Branch (S13, T76N, R36W, Shelby Co.)	1
<u>Troublesome Cr.</u>	
60. Mouth (S32, T77N, R36W, Cass Co.) to confluence with Fourmile Cr. (S8, T78N, R34W, Audubon Co.)	1
<u>Davis Cr.</u>	
61. Mouth (S4, T75N, R35W, Audubon Co.) to confluence with Honey Cr. (S31, T79N, R34W, Audubon Co.)	1
<u>Bluegrass Cr.</u>	
62. Mouth (S14, T79N, R35W, Audubon Co.) to confluence with an unnamed tributary from the west (S34, T80N, R35W, Audubon Co.)	1.5
<u>West Nishnabotna R.</u>	
63. Confluence with Elk Cr. (S36, T81N, R36W, Shelby Co.) to confluence with an unnamed tributary (S34, T83N, R38W Carroll Co.)	2
<u>Walnut Cr.</u>	
64. Mouth (S8, T69N, R41W, Fremont Co.) to confluence with an unnamed tributary (S30/31 line, T73N, R38W, Montgomery Co.)	1
65. Confluence with an unnamed tributary (S30/31 line, T73N, R38W, Montgomery Co.) to confluence with an unnamed tributary (S3, T76N, R38W, Cass Co.)	1
<u>Silver Cr. tributary</u>	
<u>Middle Silver Cr.</u>	
66. Mouth (S31, T74N, R41W, Pottawattamie Co.) to confluence with Little Silver Cr. (S12, T74N, R42W, Pottawattamie Co.)	1
<u>Indian Cr.</u>	
67. Mouth (S13, T72N, R41W, Mills Co.) to confluence with an unnamed tributary (S26, T72N, R40W, Mills Co.)	1

<u>Mud Cr.</u>	
68. Mouth (S31, T73N, R40W, Mills Co.) to confluence with an unnamed tributary (NW 1/4, S14, T73N, R41W, Mills Co.)	0.5
<u>Jordan Cr.</u>	
69. Mouth (S31, T74N, R39W, Pottawattamie Co.) to confluence with Spring Cr. (S4, T74N, R39W, Pottawattamie Co.)	1
<u>Jim Cr.</u>	
70. Mouth (S30, T77N, R39W, Pottawattamie Co.) to confluence with an unnamed tributary (S33, T77N, R39W, Pottawattamie Co.)	0.5
<u>West Fork West Nishnabonna R.</u>	
71. Mouth (Shelby Co.) to confluence with Maloney Branch (S29, T83N, R37W, Crawford Co.)	2
<u>Elk Cr.</u>	
72. Mouth (Shelby Co.) to confluence with unnamed tributary (NW1/4, S28, T82N, R37W, Crawford Co.)	1

## DES MOINES RIVER BASIN

Des Moines River Basins (Lower Des Moines River, Raccoon River, and Upper Des Moines River Subbasins).

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Des Moines River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow Listings.

Badger Cr.	33	Middle Avery Cr.	8
Bay Branch	63	Middle Beaver Cr.	70
Bear Cr.	5	Middle Branch Boone R.	88
Bear Cr.	60	Middle Raccoon R.	61
Bear Cr.	76	Middle R.	21, 22
Beaver Cr.	68	Miller Cr.	9
Beaver Cr.	81	Mosquito Cr.	62
Sig Creek Lake Outlet	73, 74	Muchakinock Cr.	10
Bluff Cr.	78	Mud Cr.	29
Boone River	84		
Brush Cr.	4	North Branch North R.	38
Buttrick Cr.	46	North R.	30, 31
Calhoun Cr.	16	Otter Cr.	20
Camp Cr.	17	Otter Cr.	86
Cavitt Cr.	23	Panther Cr.	58
Cedar Cr.	11	Plunger Cr.	37
Cedar Cr.	34		
Cedar Cr.	50a	Prairie Cr.	80
Chequest Cr.	2	Prairie Cr.	87
Clanton Cr.	24	Prairie Cr.	82
Coal Cr.	19	Purgatory Cr.	52
Competine Cr.	13	Short Cr.	49
Dead Briar Cr.	45	Silver Cr.	83
Deer Cr.	67	Skillet Cr.	79
Ditch No. 9 & 13	57	Slough Cr.	72
Drainage Ditch No. 94	85	Snake Cr.	43
Eagle Cr.	84a	South Avery Cr.	7
East Buttrick Cr.	47	South Fork Clanton Cr.	26
East Cedar Cr.	51	South Fork Middle R.	28
East Fork Des Moines R.	39		
Elk Run	54	South R.	18
English Cr.	12	Spring Br.	65
Fourmile Cr.	38	Sugar Cr.	1
Green Briar Cr.	44	Sugar Cr.	41
Honey Cr.	77	Swan Lake Branch	42
Howerdon Cr.	36	Unnamed Cr.	50
Jones Cr.	25	Unnamed Cr.	66
Lake Cr.	55, 56	Village Cr.	6
Little Beaver Cr.	69	Walnut Cr.	40
Little Beaver Cr.	71	Welty Cr.	27
Little Fourmile Cr.	39	West Buttrick Cr.	48
Little Soap Cr.	3	West Panther Cr.	59
Little White Breast Cr.	15	White Breast Cr.	14
Lotts Cr.	90	Willey Branch	64
Marrowbone Cr.	53	Wolf Cr.	75

May 1993

# Environmental Protection Commission Minutes

LOWER DES MOINES RIVER SUBBASIN	
(Des Moines River Tributaries)	
	Protected Flow (cfs)
<u>Sugar Cr.</u>	
1. Mouth (Lee Co.) to bridge crossing (S8, T67N, R6W, Lee Co.)	1
<u>Chequest Cr.</u>	
2. Mouth (S27, T69N, R10W, Van Buren Co.) to confluence with N. Chequest Cr. (S2S, T70N, R13W, Wapello Co.)	1
<u>Little Soap Cr.</u>	
3. Mouth (S1, T70N, R13W, Davis Co.) to confluence with an unnamed tributary (S21, T71N, R15W, Wapello Co.)	2
<u>Brush Cr.</u>	
4. Mouth (S3, T70N, R14W, Davis Co.) to confluence with an unnamed tributary (E 1/2, S2S, T71N, R15W, Wapello Co.)	1
<u>Bear Cr.</u>	
5. Mouth (S19, T70N, R14W, Davis Co.) to confluence with an unnamed tributary (E 1/2, S4, T70N, R15W, Davis Co.)	1
<u>Village Cr.</u>	
6. Mouth (S9, T71N, R13W, Wapello Co.) to confluence with Sandy Cr. (NW 1/4, S9, T71N, R14W, Wapello Co.)	1
<u>South Avery Cr.</u>	
7. Mouth (S31, T73N, R14W, Wapello Co.) to confluence with an unnamed tributary (NE 1/4, S1S, T72N, R15W, Wapello Co.)	0.5
<u>Middle Avery Cr.</u>	
8. Mouth (S2S, T73N, R15W, Wapello Co.) to confluence with White Ash and Little Avery Crs. (W line, S12, T72N, R15W, Monroe Co.)	0.5
<u>Miller Cr.</u>	
9. Mouth (Wapello Co.) to confluence with an unnamed tributary (29, T73N, R16W, Monroe Co.)	2
<u>Muchakinock Cr.</u>	
10. Confluence with an unnamed tributary (N 1/2, S2, T75N, R16W, Mahaska Co.) to confluence with unnamed tributary (NW1/4 of SW1/4, S27, T76N, R17W, Mahaska Co.)	2
<u>Cedar Cr.</u>	
11. Confluence with Bee Branch (S3, T72N, R18W, Monroe Co.) to confluence Hwy 14 bridge crossing (Monroe Co.)	2
<u>English Cr.</u>	
12. Mouth (Marion Co.) to confluence with Long Branch (S16, T74N, R20W, Marion Co.)	1
<u>Comptine Cr.</u>	
13. Mouth (Marion Co.) to confluence with an unnamed tributary (S8, T75N, R19W, Marion Co.)	1
<u>White Breast Cr.</u>	
14. Confluence with Little White Breast Cr. (Lucas Co.) to confluence with an unnamed tributary (S4, T71N R24W, Clarke Co.)	2
<u>Little White Breast Cr.</u>	
15. Mouth (Lucas Co.) to Ellis Lake (S27, T72N, R21W, Lucas Co.)	2
<u>Calhoun Cr.</u>	
16. Mouth (Marion Co.) to confluence with Union Valley Cr. (S33, T78N, R20W, Jasper Co.)	1
<u>Camp Cr.</u>	
17. Mouth (Jasper Co.) to confluence with unnamed tributary (S14, T79N, R22W, Polk Co.)	2
<u>South R.</u>	
18. Mouth (S12, T77N, R22W, Warren Co.) to confluence with Painter Cr. (SE 1/4, S13, T75N, R25W, Warren Co.)	1.5
<u>Coal Cr.</u>	
19. Mouth (Warren Co.) to confluence with Coon Cr. (S29, T76N, R21W, Marion Co.)	1



# Environmental Protection Commission Minutes

May 1993

	Protected Flow (cfs)
<u>Otter Cr.</u>	
20. Mouth (S34, T76N, R23W, Warren Co.) to confluence with Otter Cr. and South Otter Cr. (NW 1/4, S8, T73N, R23W, Lucas Co.)	1
<u>Middle R.</u>	
21. Mouth (Warren Co.) to confluence with Bush Br. (S8, T75N, R29W, Madison Co.)	2
22. Confluence with Bush Branch (S8, T75N, R29W, Madison Co.) to confluence with an unnamed tributary (NE 1/4, S17, T78N, R32W, Guthrie Co.)	1
<u>Cavitt Cr.</u>	
23. Mouth (Warren Co.) to confluence with unnamed tributary (S13, T76N, R24W, Warren Co.)	1
<u>Clanton Cr.</u>	
24. Mouth (N 1/2, S28, T76N, R25W, Warren Co.) to confluence with North & South Fork Clanton Cr. (SW 1/4, S10, T74N, R27W, Madison Co.)	2
<u>Jones Cr.</u>	
25. Mouth (Madison Co.) to confluence with unnamed tributary (S28, T75N, R27W, Madison Co.)	0.5
<u>South Fork Clanton Cr.</u>	
26. Mouth (Madison Co.) to confluence with unnamed tributary (NE 1/4 of NW 1/4, S36, T74N, R28W, Madison Co.)	0.5
<u>Neivy Cr.</u>	
27. Mouth (S14, T75N, R29W, Madison Co.) to confluence with Rocky Branch (SE 1/4, S22, T75N, R29W, Madison Co.)	0.5
<u>South Fork Middle R.</u>	
28. Mouth (S35, T78N, R32W, Guthrie Co.) to confluence with an unnamed tributary (S33, T78N, R32W, Guthrie Co.)	1
<u>Mud Cr.</u>	
29. Mouth (Polk Co.) to confluence with unnamed tributary (S36, T80N, R23W, Polk Co.)	1
<u>North R.</u>	
30. Mouth (Warren Co.) to confluence with N Br. North R. (S35, T77N, R27W, Madison Co.)	2
31. Confluence with North Branch North R. (Madison Co.) to confluence with unnamed tributary (S11, T77N, R31W, Adair Co.)	1
<u>Middle Cr.</u>	
32. Mouth (Warren Co.) to Lake Colechester Dam (NE 1/4, S1, T77N, R25W, Warren Co.)	1
<u>Sadger Cr.</u>	
33. Mouth (Warren Co.) to Sadger Lake Dam (NW 1/4, S13, T77N, R25W, Madison Co.)	1
<u>Cedar Cr.</u>	
34. Mouth (S9, T76N, R26W, Madison Co.) to confluence with an unnamed tributary (NW 1/4, S26, T76N, R28W, Madison Co.)	0.5
<u>North Branch North R.</u>	
35. Mouth (Madison Co.) to confluence with unnamed tributary (S5, T77N, R29W, Madison Co.)	1
<u>Howerton Cr.</u>	
36. Mouth (S17, T76N, R28W, Madison Co.) to confluence with an unnamed tributary (SW 1/4, S25, T76N, R29W, Madison Co.)	0.5
<u>Plunger Cr.</u>	
37. Mouth (Adair Co.) to confluence with unnamed tributary (S26, T77N, R30W, Adair Co.)	1
<u>Fourmile Cr.</u>	
38. Mouth (Polk Co.) to Co. Rd. bridge crossing (N line of S22, T81N, R24W, Polk Co.)	1
<u>Little Fourmile Cr.</u>	
39. Mouth (Polk Co.) to confluence with unnamed tributary (S35, T79N, R23W, Polk Co.)	1

E93May-51

May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<b>RACCOON RIVER SUBBASIN</b>	
<u>Walnut Cr.</u>	
40. Mouth (S13, T78N, R25W, Polk Co.) to confluence with Little Walnut Cr. (SE 1/4, S24, T79N, R26W, Dallas Co.)	2
<u>Sugar Cr.</u>	
41. Mouth (S26, T78N, R26W, Dallas Co.) to confluence with an unnamed tributary from the west (S8, T78N, R26W, Dallas Co.)	1
<u>North Ravickon R. tributary</u>	
<u>Swan Lake Branch</u>	
42. Mouth (S28, T81N, R28W, Dallas Co.) to west line S4, T80N, R28W, Dallas Co.	1
<u>Snake Cr.</u>	
43. Mouth (S2, T81N, R29W, Dallas Co.) to north line S26, T82N, R29W, Greene Co.	1
<u>Greenbrier Cr.</u>	
44. Mouth (S5, T81N, R29W, Dallas Co.) to west line S13, T82N, R31W, Greene Co.	1
<u>Dead Brier Cr.</u>	
45. Mouth (S16, T82N, R30W, Greene Co.) to confluence with an unnamed tributary (NE1/4, S26, T82N, R30W, Greene Co.)	1
<u>Buttrick Cr.</u>	
46. Mouth (S26, T83N, R30W, Greene Co.) to confluence with East & West Buttrick Cr. (SE 1/4, S25, T84N, R30W, Greene Co.)	2
<u>East Buttrick Cr.</u>	
47. Mouth (S25, T84N, R30W, Greene Co.) to confluence with Lost Grove Cr. (SW 1/4, S4, T85N, R29W, Greene Co.)	1
<u>West Buttrick Cr.</u>	
48. Mouth (S25, T84N, R30W, Greene Co.) to confluence with Ditch No. 52 (SE 1/4, S16, T86N, R30W, Webster Co.)	1
49. <u>Short Cr.</u> Mouth (Greene Co.) to confluence with unnamed Tributary (S21, T84N, R31W, Greene Co.)	0.5
<u>Unnamed Cr.</u>	
50. Mouth (S18, T84N, R32W, Greene Co.) to confluence with an unnamed tributary (NE 1/4, S19, T84N, R32W, Greene Co.)	1
<u>Cedar Cr.</u>	
50a. Confluence with an unnamed tributary (NW1/4, S15, T85N, R32W, Greene Co.) to confluence with East & West Cedar Crs. (S31, T87N, R31W, Calhoun Co.)	2
<u>East Cedar Cr.</u>	
51. Mouth (South Line, S31, T87N, R31W, Calhoun Co.) to confluence with Welsh's Slough (Center, S3, T87N, R31W, Calhoun Co.)	1
<u>Purgatory Cr.</u>	
52. Mouth (S11, T84N, R33W, Carroll Co.) to confluence with an unnamed tributary (NE 1/4, S17, T86N, R32W, Calhoun Co.)	1.5
<u>Narrowbone Cr.</u>	
53. Mouth (S17, T85N, R33W, Carroll Co.) to confluence with an unnamed tributary (NW1/4, S17, T85N, R33W, Carroll Co.)	0.5
<u>Elk Run</u>	
54. Mouth (S7, T85N, R33W, Carroll Co.) to confluence with D.D. No. 72 & 81 (S5, T85N, R34W, Carroll Co.)	0.5
<u>Lake Cr.</u>	
55. Mouth (S23, T86N, R34W, Calhoun Co.) to East line S12, T86N, R34W, Calhoun Co.	2
56. East line S12, T86N, R34W, Calhoun Co. to confluence with Ditch Nos. 65, and 9 & 13 (S29, T88N, R32W, Calhoun Co.)	2
<u>Ditch No. 9 &amp; 13</u>	
57. Mouth (confluence with Ditch No. 65 in S29, T88N, R32W, Calhoun Co.) to the confluence with an unnamed tributary (SE 1/4, S8, T89N, R32W, Calhoun Co.)	2

E93May-52

# Environmental Protection Commission Minutes

May 1993

	Protected Flow (cfs)
<u>South Raccoon River tributaries</u>	
<u>Panther Cr.</u>	
58. Mouth (S16, T78N, R28W, Dallas Co.) to confluence with West & East Panther Cr. (S16, T79N, R28W, Dallas Co.)	1
<u>West Panther Cr.</u>	
59. Mouth (S16, T79N, R28W, Dallas Co.) to confluence with an unnamed tributary (NW 1/4, S9, T79N, R28W, Dallas Co.)	1
<u>Rear Cr.</u>	
60. Mouth (S17, T76N, R28W, Dallas Co.) to confluence with an unnamed tributary (SW 1/4, S25, T78N, R29W, Dallas Co.)	0.5
<u>Middle Raccoon R.</u>	
61. Confluence with Willow Cr. (Guthrie Co.) to confluence with unnamed tributary (S8, T84N, R35W, Carroll Co.)	2
<u>Mosquito Cr.</u>	
62. Mouth (S34, T79N, R29W, Dallas Co.) to confluence with an unnamed tributary (S21, T81N, R30W, Guthrie Co.)	2
<u>Bay Branch</u>	
63. Mouth (S9, T79N, R30W, Guthrie Co.) to dam at Bay Branch Marsh (NW 1/4, S27, T80N, R30W, Guthrie Co.)	1
<u>Willer Branch</u>	
64. Mouth (Carroll Co.) to confluence with unnamed tributary (S29, T83N, R34W, Carroll Co.)	1
<u>Spring Br.</u>	
65. Mouth (Carroll Co.) to confluence with unnamed tributary (S16, T83N, R34W, Carroll Co.)	1
<u>Unnamed Cr.</u>	
66. Mouth (S29, T84N, R34W, Carroll Co.) to the northern road crossing on the section line between S24, T84N, R35W, and S19, T84N, R34W, Carroll Co.	1
<u>Deer Cr.</u>	
67. Mouth (S15, T78N, R30W, Guthrie Co.) to confluence with an unnamed tributary (NE1/4, NE1/4, S19, T78N, R30W, Guthrie Co.)	0.5
UPPER DES MOINES RIVER SUBBASIN	
<u>Beaver Cr.</u>	
68. Mouth (S17, T79N, R24W, Polk Co.) to confluence with an unnamed tributary (S29, T84N, R25W, Boone Co.)	1
<u>Little Beaver Cr.</u>	
69. Mouth (S35, T80N, R25W, Polk Co.) to confluence with an unnamed tributary (SW 1/4, SW 1/4, S29, T80N, R25W, Polk Co.)	1
<u>Middle Beaver Cr.</u>	
70. Mouth (S21, T83N, R28W, Boone Co.) to Hwy 30 (North line, S4, T83N, R28W, Boone Co.)	1
<u>Little Beaver Cr.</u>	
71. Mouth (S14, T81N, R27W, Dallas Co.) to confluence with an unnamed tributary (SE 1/4, SE 1/4, S29, T82N, R27W, Boone Co.)	1
<u>Slough Cr.</u>	
72. Mouth (S16, T81N, R27W, Dallas Co.) to confluence with an unnamed tributary (NW 1/4, S21, T81N, R27W, Dallas Co.)	1
<u>Big Creek Lake Outlet</u>	
73. Mouth (Polk Co.) to Big Creek Lake Dam (SW1/4, S26, T81N, R25W, Polk Co.)	1
74. Upper end of Big Creek Lake (Polk Co.) to confluence with an unnamed tributary (SE 1/4, S33, T83N, R25W, Boone Co.)	1

May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<u>Wolf Cr.</u>	
75. Mouth (S36, T81N, R25W, Polk Co.) to North line, S25, T81N, R25W, Polk Co.	0.5
<u>Bear Cr.</u>	
76. Mouth (S29, T81N, R26W, Boone Co.) to confluence with an unnamed tributary (SE 1/4, S24, T81N, R27W, Boone Co.)	0.5
<u>Honey Cr.</u>	
77. Mouth (Boone Co.) to bridge crossing (NW1/4, S33 T84N, R26W, Boone Co.)	1
<u>Bluff Cr.</u>	
78. Mouth (S22, T84N, R27W, Boone Co.) to dam/spillway at Den Williams Lake (NE 1/4, SW 1/4, S5, T84N, R27W, Boone Co.)	1
<u>Skillet Cr.</u>	
79. Mouth (S16, T86N, R27W, Webster Co.) to confluence with an unnamed tributary (NW 1/4, SE 1/4, S14, T86N, R28W, Webster Co.)	2
<u>Prairie Cr.</u>	
80. Mouth (S35, T88N, R28W, Webster Co.) to confluence with D.D. No. 29 (S25, T88N, R29W, Webster Co.)	0.5
<u>Beaver Cr.</u>	
81. Mouth (S36, T93N, R31W, Pocahontas Co.) to confluence with an unnamed tributary (S12, T93N, R32W, Pocahontas Co.)	1
<u>Prairie Cr. (aka Ditch No. 61)</u>	
82. Mouth (S1, T93N, R31W, Palo Alto Co.) to confluence with an unnamed tributary (S13, T94N, R32W, Palo Alto Co.)	1
<u>Silver Cr.</u>	
83. Mouth (S35, T96N, R33W, Palo Alto Co.) to confluence with D.D. No. 52 (S23, T95N, R34W, Palo Alto Co.)	0.5
<u>Boone River tributaries</u>	
84. Confluence with Brewers Cr. (Hamilton Co.) to confluence with Otter Cr. (Wright Co.)	2
<u>Eagle Cr.</u>	
84a. Mouth (S6, T89N, R25W, Hamilton Co.) to confluence with Little Eagle Cr. (S9, T91N, R25W, Wright Co.)	2
<u>Drainage Ditch No. 34</u>	
85. Mouth (Wright Co.) to West line of S3, T90N, R26W, Wright Co.	1
<u>Otter Cr.</u>	
86. Mouth (Wright Co.) to confluence with West Otter Cr. (S31, T93N, R25W, Wright Co.)	1
<u>Prairie Cr.</u>	
87. Mouth (S30, T93N, R26W, Wright Co.) to confluence with D.D. No. 116 (S24, T94N, R26W, Kossuth Co.)	0.5
<u>Middle Branch Boone R.</u>	
88. Mouth (Wright Co.) to confluence with an unnamed tributary (S31, T95N, R25W, Hancock Co.)	2
<u>East Fork Des Moines River tributary</u>	
89. Confluence with Buffalo Cr. (S20, T97N, R28W, Kossuth Co.) to outlet control structure Tuttle Lake (aka Okamapedan Lake) (S14, T100N, R32W, Emmet Co.)	1
<u>Lotts Cr.</u>	
90. Mouth (S17, T93N, R28W, Humboldt Co.) to confluence with D.D. No. 79 (SE 1/4, S15, T94N, R30W, Kossuth Co.)	1

# Environmental Protection Commission Minutes

May 1993

## SKUNK RIVER BASIN

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Skunk River Basin. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow listings.

Bailard Cr.	22	Long Cr.	3
Bear Cr.	25	Long Dick Cr.	26
Benjamin Cr.	17	Lynn Cr.	6
Big Cr.	4	Middle Cr.	28
Brush Cr.	5	Pitman Cr.	2
Buckley Cr.	15	Rock Cr.	9
Cedar Cr.	7, 8	Rock Cr.	29
Cedar Cr.	27	South Skunk R.	14
Cherry Cr.	16	Squaw Cr.	24
Clear Cr.	19	Sugar Cr.	1
Competine Cr.	11	Sugar Cr.	10
Crow Cr.	10	Walnut Cr.	23
E. Br. Indian Cr.	20	W. Br. Indian Cr.	21
E. Fk. Crooked Cr.	12	W. Fk. Crooked Cr.	13
Indian Cr.	18		

	Protected Flow (cfs)
<u>Sugar Cr.</u>	
1. Mouth (S23, T67N, R5W, Lee Co.) to confluence with an unnamed tributary (S 1/2, S16, T69N, R5W, Lee Co.)	1
<u>Pitman Cr.</u>	
2. Mouth (S29/30 line, T68N, R5W, Lee Co.) to confluence with an unnamed tributary (S11, T68N, R5W, Lee Co.)	1
<u>Long Cr.</u>	
3. Mouth (Des Moines Co.) to confluence with unnamed tributary (S3, T69N, R4W, Des Moines Co.)	2
<u>Big Cr.</u>	
4. Mouth (Henry Co.) to confluence with Lawrence Cr. (S5, T71N, R5W, Henry Co.)	2
<u>Brush Cr.</u>	
5. Mouth (Henry Co.) to confluence with unnamed tributary (S32, T71N, R5W, Henry Co.)	1
<u>Lynn Cr.</u>	
6. Mouth (Henry Co.) to confluence with unnamed tributary (S7, T72N, R6W, Henry Co.)	0.5
<u>Cedar Cr.</u>	
7. Mouth (Henry Co.) to confluence with Little Cedar Cr. (S26, T73N, R13W, Wapello Co.)	2
8. Little Cedar Cr. (S26, T73N, R13W, Wapello Co.) to confluence with unnamed tributary (NW1/4 of the NE1/4, S24, T74N, R15W, Mahaska Co.)	1
<u>Rock Cr.</u>	
9. Mouth (Jefferson Co.) to confluence with Jones Br. (S29, T71N, R5W, Jefferson Co.)	1
<u>Crow Cr.</u>	
10. Mouth (Jefferson Co.) to confluence with an unnamed tributary (NW1/4 of SW1/4, S31, T72N, R5W, Jefferson Co.)	2
<u>Competine Cr.</u>	
11. Mouth (Jefferson Co.) to confluence with unnamed tributary (S15, T 73N, R12W, Wapello Co.)	1
<u>E. Fk. Crooked Cr.</u>	
12. Mouth (S24, T74N, R7W, Washington Co.) to confluence with Phillips Cr. (S8, T73N, R5W, Henry Co.)	1
<u>W. Fk. Crooked Cr.</u>	
13. Mouth (Washington Co.) to confluence with an unnamed tributary (S26, T73N, R13W, Wapello Co.)	2
<u>South Skunk R.</u>	
14. Confluence with Indian Cr. (Jasper Co.) to confluence with D.D. No. 71 (S11, T66N, R24W, Hamilton Co.)	2

E93May-55

May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<u>Buckley Cr.</u>	
15. Mouth (S27, T77N, R17W, Mahaska Co.) to confluence with the Middle Br. Buckley Cr. (S9, T77N, R17W, Mahaska Co.)	1
<u>Cherry Cr.</u>	
16. Mouth (Jasper Co.) to confluence with Benjamin Cr. (S20, T80N, R19W, Jasper Co.)	1
<u>Benjamin Cr.</u>	
17. Mouth (Jasper Co.) to confluence with unnamed tributary (NE1/4, S21, T80N, R19W, Jasper Co.)	1
<u>Indian Cr.</u>	
18. Mouth (S32, T80N, R20W, Jasper Co.) to confluence with East and West Branch Indian Crs. (S16, T82N, R22W, Story Co.)	2
<u>Clear Cr.</u>	
19. Mouth (S2, T80N, R21W, Jasper Co.) to confluence with an unnamed tributary (S 1/2, SW 1/4, S26, T82N, R20W, Marshall Co.)	1
<u>E. Br. Indian Cr.</u>	
20. Mouth (S16, T82N, R22W, Story Co.) to confluence with an unnamed tributary (S34, T85N, R22W, Story Co.)	1
<u>W. Br. Indian Cr.</u>	
21. Mouth (S16, T82N, R22W, Story Co.) to confluence with an unnamed tributary (S1, T83N, R23W, Story Co.)	1
<u>Ballard Cr.</u>	
22. Mouth (Story Co.) to confluence with unnamed tributary (S15, T82N, R24W, Story Co.)	1
<u>Walrus Cr.</u>	
23. Mouth (S5, T82N, R23W, Story Co.) to confluence with an unnamed tributary (SE 1/4, S34, T83N, R24W, Story Co.)	0.5
<u>Squaw Cr.</u>	
24. Mouth (S12, T83N, R24W, Story Co.) to confluence with an unnamed tributary (NW 1/4, S9, T85N, R25W, Boone Co.)	2
<u>Bear Cr.</u>	
25. Mouth (Story Co.) to N line of S32, T85N, R23W, Story Co.)	0.5
<u>Long Dick Cr.</u>	
26. Mouth (S18, T85N, R23W, Story Co.) to bridge crossing (North line S34, T86N, R23W, Hamilton Co.)	1
<u>North Skunk R.</u>	
<u>Cedar Cr.</u>	
27. Mouth (S15, T75N, R12W, Keokuk Co.) to confluence with an unnamed tributary (S34, T76N, R13W, Keokuk Co.)	1
<u>Middle Cr.</u>	
28. Mouth (S35, T76N, R14W, Mahaska Co.) to Hwy. 146 road crossing at (S1, T76N, R16W, Mahaska Co.)	2
<u>Rock Cr.</u>	
29. Mouth (S5, T79N, R17W, Jasper Co.) to Rock Creek Lake Dam (S17, T80N, R17W, Jasper Co.)	1
<u>Sugar Cr.</u>	
30. Mouth (Powershiek Co.) to confluence with unnamed tributary (SW1/4, S24, T80N, R17W, Jasper Co.)	2

# Environmental Protection Commission Minutes

May 1993

## IOWA-CEDAR RIVER BASIN

Iowa Cedar River Basins (Iowa River, Cedar River, and Winnebago River Subbasins).

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Iowa-Cedar River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow listings.

Abbe Cr.	43	Morgan Cr.	49
Asher Cr.	26	Mud Cr.	39
Bear Cr.	50	Mud Cr.	48
Beaver Cr.	70	Mud Cr.	52
Beaver Cr.	73	North English R.	6
Beaverdam Cr.	67	North Fork Blackhawk Cr.	59
Big Cr.	42	N. Timber Cr.	24
Black Hawk Cr.	58	Old Mans Cr.	11
Blue Cr.	51	Otter Cr.	4
Brush Cr.	2	Otter Cr.	17
Brush Cr.	23	Otter Cr.	64
Buffalo Cr.	65	Prairie Cr.	47
Burnett Cr.	25	Pratt Cr.	53
Clear Cr.	12	Quarter Section Run	69
Clear Cr.	41	Raven Cr.	20
Deep R.	3	Richland Cr.	18
Deer Cr.	19	Rock Cr.	40
Drainage Ditch No. 3	31	Sheldon Cr.	29
Drainage Ditch No. 70	66	Simmons Cr.	44
Dry Run	61	South Beaver Cr.	62
Dugout Cr.	9	South English R.	10
East Big Cr.	45	Spring Cr.	1
East Branch Salt Cr.	16	Spring Cr.	55
East Fork Iowa River	33	Squaw Cr.	63
Elk Run	57	Sugar Cr.	36
Flint Cr.	3	S. Timber Cr.	22
Holland Cr.	60	Timber Cr.	21
Honey Cr.	28	Unnamed Cr.	30
Hoosier Cr.	13	W. Branch Beaverdam Cr.	68
Indian Cr.	46	Walnut Cr.	15
Lime Cr.	54	Wapsinonoc Cr.	35
Little Bear Cr.	14	West Fork Iowa River	34
Little Mosquito Cr.	37	Wharam Cr.	72
Long Cr.	5	Winnebago R.	71
Luicks Cr.	32	Wolf Cr.	56
Middle English R.	7	W. Branch Wapsinonoc Cr.	36
Minerva Cr.	27		

## (Mississippi R. Tributaries)

	Protected Flow (cfs):
<u>Spring Cr.</u>	
1. Mouth (Des Moines Co.) to confluence with unnamed tributary (SE 1/4, S3, T69N, R3W, Des Moines Co.)	1
<u>Brush Cr.</u>	
2. Mouth (Des Moines Co.) to road crossing (S8, T69N, R3W, Des Moines Co.)	2
<u>Flint Cr.</u>	
3. Mouth (Des Moines Co.) to the confluence with an unnamed tributary (NW1/4, S21, T71N, R4W, Des Moines Co.)	2
IOWA RIVER SUBBASIN	
<u>Otter Cr.</u>	
4. Mouth (S18, T73N, R2W, Louisa Co.) to confluence with an unnamed tributary (S4, T73N, R3W, Louisa Co.)	1
<u>Long Cr.</u>	
5. Mouth (S1, T74N, R4W, Louisa Co.) to confluence with South Fork Long Cr. (S35, T75N, R6W, Louisa Co.)	1
<u>North English R.</u>	
6. Mouth (S6, T77N, R17W, Washington Co.) to confluence with an unnamed tributary (SE 1/4, S1, T79N, R16W, Poweshiek Co.)	2
<u>Middle English R.</u>	
7. Mouth (S20, T78N, R10W, Iowa Co.) to confluence with an unnamed tributary (E 1/8, S24, T78N, R12W, Iowa Co.)	1
<u>Deep R.</u>	
8. Mouth (S4, T78N, R12W, Iowa Co.) to confluence with an unnamed tributary (SE 1/4, S34, T79N, R14W, Poweshiek Co.)	0.5

E93May-57



May 1993

# Environmental Protection Commission Minutes

	Protected Flow (cfs)
<u>Dugout Cr.</u>	
9. Mouth (S15, T79N, R14W, Poweshiek Co.) to confluence with an unnamed tributary (SE 1/4, S8, T79N, R14W, Poweshiek Co.)	0.5
<u>South English R.</u>	
10. Mouth (S6, T77N, R9W, Washington Co.) to confluence with an unnamed tributary (E 1/2, S9, T77N, R13W, Keokuk Co.)	1
<u>Old Mans Cr.</u>	
11. Mouth (S27, T78N, R6W, Johnson Co.) to confluence with Hog Run (S6 1/2 line, T79N, R10W, Iowa Co.)	2
<u>Clear Cr.</u>	
12. Mouth (Johnson Co.) to confluence with an unnamed tributary (S22, T80N, R9W, Iowa Co.)	1
<u>Hoosier Cr.</u>	
13. Mouth (S17, T81N, R6W, Johnson Co.) to confluence with South Hoosier Cr. (S25, T82N, R7W, Linn Co.)	2
<u>Bear Cr. tributary</u>	
<u>Little Bear Cr.</u>	
14. Mouth (Poweshiek Co.) to confluence with an unnamed tributary (SW1/4, S13, T80N, R16W, Poweshiek Co.)	2
<u>Walnut Cr.</u>	
15. Mouth (S11, T82N, R12W, Benton Co.) to confluence with an unnamed tributary (NW 1/4, S14, T81N, R15W, Poweshiek Co.)	1
<u>East Branch Salt Cr.</u>	
16. Mouth (S34, T84N, R13W, Tama Co.) to bridge crossing (N line S3, T84N, R13W, Tama Co.)	1
<u>Otter Cr.</u>	
17. Mouth (Tama Co.) to the water control structure for Otter Creek Marsh (S12, T82N, R14W, Tama Co.)	1
<u>Richland Cr.</u>	
18. Mouth (S13, T82N, R14W, Tama Co.) to confluence with Abes Fork (Center, S20, T82N, R15W, Tama Co.)	1.5
<u>Deer Cr.</u>	
19. Mouth (S14, T83N, R15W, Tama Co.) to confluence with an unnamed tributary (NE 1/4, SE 1/4, S23, T84N, R15W, Tama Co.)	2
<u>Raven Cr.</u>	
20. Mouth (S25, T83N, R16W, Tama Co.) to West line S35, T83N, R15W, Tama Co.	2
<u>Timber Cr.</u>	
21. Mouth (Marshall Co.) to confluence with N Timber Cr. (S24, T83N, R18W, Marshall Co.)	1
<u>S. Timber Cr.</u>	
22. Mouth (S17, T83N, R17W, Marshall Co.) to confluence with an unnamed tributary (S10, T82N, R18W, Marshall Co.)	1
<u>Brush Cr.</u>	
23. Mouth (Marshall Co.) to confluence with an unnamed tributary (S16, T82N, R17W, Marshall Co.)	1
<u>N. Timber Cr.</u>	
24. Mouth (S24, T83N, R18W, Marshall Co.) to confluence with an unnamed tributary (S23, T83N, R19W, Marshall Co.)	1
<u>Burnett Cr.</u>	
25. Mouth (S24, T84N, R18W, Marshall Co.) to confluence with an unnamed tributary (SE 1/4, NW 1/4, S13, T84N, R18W, Marshall Co.)	1.5
<u>Asher Cr.</u>	
26. Mouth (S27, T84N, R18W, Marshall Co.) to confluence with Chicken Cr. (NW 1/4, NE 1/4, S16, T84N, R18W, Marshall Co.)	1
<u>Minerva Cr.</u>	
27. Mouth (NW 1/4, S2, T84N, R19W, Marshall Co.) to confluence with an unnamed tributary (S33, T86N, R21W, Hardin Co.)	1.5
<u>Honey Cr.</u>	
28. Mouth (Marshall Co.) to confluence with an unnamed tributary (S15, T86N, R20W, Hardin Co.)	1

E93May-58

# Environmental Protection Commission Minutes

Protected  
Flow  
(cfs)

May 1993

<u>Sheldon Cr.</u>	
29. Mouth (S19, T90W, R22W, Franklin Co.) to N/S road crossing bisecting N 1/2, S24, T90W, R23W, Wright Co.)	1
<u>Unnamed Cr.</u>	
30. Mouth (SE 1/4, S30, T91N, R22W, Franklin Co.) to confluence with an unnamed tributary (aka D.D. #32) (NW 1/4, S29, T91N, R22W, Franklin Co.)	1
<u>Drainage Ditch No. 1</u>	
31. Mouth (NW 1/4, SE 1/4, S10, T91N, R23W, Wright Co.) to confluence with D.D. No. 5 (W line, S20, T91, R23, Wright Co.)	1
<u>Luicks Cr.</u>	
32. Mouth (S31, T93N, R23W, Wright Co.) to confluence with an unnamed tributary (NW 1/4, S3, T92N, R23W, Wright Co.)	2
<u>East Fork Iowa River</u> (aka East Branch Iowa R.)	
33. Mouth (S19, T93N, R23W, Wright Co.) to confluence with an unnamed tributary (W line S34, T97N, R24W, Hancock Co.)	2
<u>West Fork Iowa River</u> (aka West Branch Iowa R.)	
34. Mouth (S19, T93N, R23W, Wright Co.) to confluence with D.D. No. 1 (S2, T95N, R25W, Hancock Co.)	2
CEDAR RIVER SUBBASIN	
<u>Wapsinonoc Cr.</u>	
35. Mouth (Muscatine Co.) to confluence with E. Br. and Middle Br. Wapsinonoc Cr. (S6, T78N, R3W, Muscatine Co.)	2
<u>W. Branch Wapsinonoc Cr.</u>	
36. Mouth (Muscatine Co.) to confluence with an unnamed tributary (N 1/2, S32, T79N, R4W, Cedar Co.)	1
<u>Little Mosquito Cr.</u>	
37. Mouth (S19, T78N, R2W, Muscatine Co.) to confluence with an unnamed tributary (S26, T78N, R2W, Muscatine Co.)	1
<u>Sugar Cr.</u>	
38. Confluence with Mud Cr. (S10, T78N, R2W, Muscatine Co.) to confluence with an unnamed tributary (SW 1/4, S4, T80N, R2W, Cedar Co.)	1
<u>Mud Cr.</u>	
39. Mouth (S10, T78N, R2W, Muscatine Co.) to confluence with an unnamed tributary (S5, T78N, R1E, Muscatine Co.)	1
<u>Rock Cr.</u>	
40. Cedar County Rd. F28 bridge to confluence with an unnamed tributary (SW 1/4, S11, T81N, R3W, Cedar Co.)	1
<u>Clear Cr.</u>	
41. Mouth (S2, T81N, R5W, Johnson Co.) to confluence with an unnamed tributary (NW 1/4, NW 1/4, S28, T82N, R4W, Cedar Co.)	0.5
<u>Big Cr.</u>	
42. Confluence with Elbow Cr. (S13, T83N, R6W, Linn Co.) to confluence with E. Big Cr. (S30, T84N, R5W, Linn Co.)	0.5
<u>Abbe Cr.</u>	
43. Mouth (S34, T83N, R6W, Linn Co.) to confluence with an unnamed tributary (S4, T82N, R5W, Linn Co.)	0.5
<u>Simmons Cr.</u>	
44. Mouth (S7, T83N, R5W, Linn Co.) to confluence with an unnamed tributary (S6, T83N, R5W, Linn Co.)	0.5
<u>East Big Cr.</u>	
45. Mouth (S30, T84N, R5W, Linn Co.) to Hwy. 151 crossing (S27, T84N, R5W, Linn Co.)	1
<u>Indian Cr.</u>	
46. Mouth (S30, T83N, R6W, Linn Co.) to confluence with an unnamed tributary (S20, T84N, R5W, Linn Co.)	1
<u>Prairie Cr.</u>	
47. Mouth (Linn Co.) to confluence with an unnamed tributary (SE 1/4, of the SW 1/4, S13, T83N, R12W, Benton Co.)	2
<u>Mud Cr.</u>	
48. Mouth (S21, T82N, R9W, Benton Co.) to confluence with an unnamed tributary (E 1/2, S7, T82N, R9W, Benton Co.)	2
<u>Morgan Cr.</u>	
49. Mouth (S14, T83N, R8W, Linn Co.) to confluence with an unnamed tributary (SW 1/4, S22, T83N, R8W, Linn Co.)	0.5

E93May-59

May 1993

# Environmental Protection Commission Minutes

- Bear Cr.**  
50. Mouth (S21, T84N, R8W, Linn Co.) to confluence with Wildcat Cr. (S5/8 line, T84N, R9W, Benton Co.) 1
- Blue Cr.**  
51. Mouth (S18, T85N, R8W, Linn Co.) to confluence with East Br. Blue Cr. (S7, T85N, R8W, Linn Co.) 2
- Mud Cr.**  
52. Mouth (Benton Co.) to confluence with an unnamed tributary (S15, T84N, R11W, Benton Co.) 1
- Pratt Cr.**  
53. Mouth (S6, T85N, R11W, Benton Co.) to confluence with an unnamed tributary (NE 1/4, S7, T85N, R11W, Benton Co.) 2
- Line Cr.**  
54. Mouth (Benton Co.) to confluence with an unnamed tributary (S1, T87N, R10W, Buchanan Co.) 1
- Spring Cr.**  
55. Mouth (S27, T87N, R11W, Blackhawk Co.) to confluence with East Branch Spring Cr. (S11, T87N, R11W, Blackhawk Co.) 1
- Wolf Cr.**  
56. Mouth of Twelvemile Cr. (S19, T86N, R13W, Tama Co.) to confluence with an unnamed tributary (S25, T86N, R18W, Grundy Co.) 1
- Elk Run**  
57. Mouth (S6, T88N, R12W, Blackhawk Co.) to confluence with an unnamed tributary (S27, T89N, R12W, Blackhawk Co.) 1
- Black Hawk Cr.**  
58. Confluence with Mosquito Cr. (S20, T87N, R15W, Grundy Co.) to confluence with an unnamed tributary (S12, T87N, R18W, Grundy Co.) 2
- North Fork Blackhawk Cr.**  
59. Mouth (S1, T87N, R15W, Blackhawk Co.) to confluence with an unnamed tributary (S8, T88N, R15W, Grundy Co.) 2
- Holland Cr.**  
60. Mouth (Grundy Co.) to confluence with an unnamed tributary (S29, T88N, R17W, Grundy Co.) 1
- Dry Run**  
61. Mouth (S18, T89N, R13W, Blackhawk Co.) to confluence with an unnamed tributary (S23, T89N, R14W, Blackhawk Co.) 1
- Beaver Cr. tributary**  
**South Beaver Cr.**  
62. Mouth (S25, T90N, R17W, Butler Co.) to confluence with an unnamed tributary (NE 1/4, NE 1/4, S9, T88N, R18W, Grundy Co.) 2
- West Fork Cedar R. tributaries**  
**Hartsgrave Cr. tributaries**  
**Schaw Cr.**  
63. Mouth (Franklin Co.) to confluence with an unnamed tributary (S29, T92N, R20W, Franklin Co.) 1
- Otter Cr.**  
64. Confluence with Buffalo Cr. (S5, T92N, R20W, Franklin Co.) to confluence with D.D. No. 55 (S24, T93N, R21W, Franklin Co.) 1
- Buffalo Cr.**  
65. Mouth (S5, T92N, R20W, Franklin Co.) to N/S road crossing West line, S10, T92N, R21W, Franklin Co. 1
- Drainage Ditch No. 70**  
66. Mouth (Cerro Gordo Co.) to bridge crossing at (S13/14, T94N, R22W, Cerro Gordo Co.) 1
- Beaverdam Cr.**  
67. Mouth (Cerro Gordo Co.) to confluence with an unnamed tributary (S12, T95N, R22W, Cerro Gordo Co.) 2
- W. Branch Beaverdam Cr.**  
68. Mouth (Cerro Gordo Co.) to confluence with an unnamed tributary (S9, T94N, R21W, Cerro Gordo Co.) 2
- Quarter Section Run**  
69. Mouth (S19, T91N, R13W, Bremer Co.) to confluence with an unnamed tributary (NE 1/4, NW 1/4, S26, T92N, R13W, Bremer Co.) 1

E93May-60

# Environmental Protection Commission Minutes

May 1993

## SHELL ROCK RIVER SUBBASIN

<u>Beaver Cr.</u>	
70. Mouth (SW 1/4, S26, T95N, R18W, Floyd Co.) to confluence with L. Beaver Cr. (center S21, T95N, R18W, Floyd Co.)	1
<u>Winnebago R.</u>	
71. Confluence with Beaver Cr. (Worth Co.) to Iowa-Minnesota State Line	2
<u>Wharum Cr.</u>	
72. Mouth (S29, T97N, R20W, Cerro Gordo Co.) to confluence with an unnamed tributary (S7, T97N, R20W, Cerro Gordo Co.)	0.5
<u>Beaver Cr.</u>	
73. Mouth (S34, T98N, R22W, Worth Co.) to confluence with D.D. No. 54 (S25, T98N, R23W, Winnebago Co.)	1

## NORTHEASTERN IOWA RIVER BASINS

Northeastern Iowa River Basins (Wapsipinicon River, Turkey River, and Upper Iowa River Subbasins).

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Northeastern Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Protected Flow listings.

Ames Cr.	5	Minor Cr.	49
Barber Cr.	8	Mud Cr.	3
Bear Cr.	23	North Fk. Catfish Cr.	43
Beers Cr.	34	Otter Cr.	20
Brophy Cr.	4	Plum Cr.	38
Buck Cr.	37	Prairie Cr.	28
Calmus Cr.	12	Rabbit Cr.	45
Cherry Cr.	5	Rock Cr.	10
Cloie Branch	44	Rock Cr.	25
Crow Cr.	2	Rogers Cr.	46
Duck Cr.	1	Sand Cr.	17
Durion Cr.	30	Silver Cr.	7
East Branch Otter Cr.	22	Silver Cr.	36
Elk Cr.	24	Silver Cr.	47
Granger Cr.	41	Silver Cr.	48
Harter Cr.	19	Spencer Cr.	3
Hewitt Cr.	31	Spring Cr.	23
Hickory Cr.	32	Sugar Cr.	27
Hunter Cr.	21	Tete des Morts Cr.	19
Johns Cr.	18	Unnamed Cr.	13
Kitty Cr.	35	Unnamed Cr.	18
Lux Cr.	40	Unnamed Cr.	50
Middle Fk. Catfish Cr.	42	Walnut Cr.	15
Mill Cr.	14	Walton Cr.	16
Mill Cr.	26	Yankee Run	11

Protected  
Flow  
(cfs)

(Mississippi R. Tributaries)

<u>Duck Cr.</u>	
1. Mouth (S27, T78N, R4E, Scott Co.) to confluence with an unnamed tributary (SE 1/4, S14, T78N, R2E, Scott Co.)	0.5
<u>Crow Cr.</u>	
2. Mouth (S24, T78N, R1W, Scott Co.) to confluence with an unnamed tributary (W 1/2, S30, T79N, R4E, Scott Co.)	0.25
<u>Spencer Cr.</u>	
3. Mouth (S18, T89N, R5E, Scott Co.) to confluence with an unnamed tributary (S34/35 line, T79N, R4E, Scott Co.)	0.25
<u>Brophy Cr.</u>	
4. Confluence with Cherry Cr. (S17, T81N, R5E, Clinton Co.) to confluence with an unnamed tributary (S33/34 line, T82N, R5E, Clinton Co.)	0.5
<u>Cherry Cr.</u>	
5. Mouth (S17, T81N, R5E, Clinton Co.) to confluence with an unnamed tributary (W 1/2, S36, T82N, R4E, Clinton Co.)	0.5
<u>Ames Cr.</u>	
6. Mouth (S4, T80N, R4E, Clinton Co.) to confluence with an unnamed tributary (S16, T81N, R4E, Clinton Co.)	0.25

E93May-61

May 1993

# Environmental Protection Commission Minutes

		Protected Flow (cfs)
WAPSIPINICON RIVER BASIN		
(Wapsipinicon R. Tributaries)		
	<u>Silver Cr.</u>	
7.	Mouth (Clinton Co.) to confluence with Nigger Cr. (aka Negro Cr.) (S27, T82N, R3E, Clinton Co.)	2
	<u>Barber Cr.</u>	
8.	Mouth (Clinton Co.) to bridge crossing (SW1/4, S13, T98N, R3W, Clinton Co.)	1
	<u>Mud Cr.</u>	
9.	Mouth (S12, T80N, R2E, Scott Co.) to confluence with Hickory Cr. (S31, T80N, R2E, Scott Co.)	2
	<u>Rock Cr.</u>	
10.	Mouth (S35, T81N, R1E, Clinton Co.) to bridge crossing (S2/11 line, T80N, R1W, Cedar Co.)	0.5
	<u>Yankee Run</u>	
11.	Mouth (S23, T81N, R1E, Clinton Co.) to confluence with an unnamed tributary (S34, T82N, R1W, Cedar Co.)	2
	<u>Calmus Cr.</u>	
12.	Mouth (S13, T81N, R1E, Clinton Co.) to confluence with an unnamed tributary (S9, T81N, R2E, Clinton Co.)	1
	<u>Unnamed Cr.</u>	
13.	Mouth (S13, T81N, R1E, Clinton Co.) to confluence with an unnamed tributary (S19, T82N, R2E, Clinton Co.)	1
	<u>Mill Cr.</u>	
14.	Mouth (S18, T83N, R1W, Jones Co.) to confluence with an unnamed tributary (S14, T82N, R2W, Cedar Co.)	1
	<u>Walnut Cr.</u>	
15.	Mouth (S18, T83N, R2W, Jones Co.) to confluence with White Oak Creek (S19, T83N, R1W, Jones Co.)	1
	<u>Walton Cr.</u>	
16.	Mouth (S20, T86N, R6W, Linn Co.) to confluence with an unnamed tributary (S 1/2, S1, T86N, R7W, Linn Co.)	0.5
	<u>Sand Cr.</u>	
17.	Mouth (S14, T87N, R8W, Buchanan Co.) to confluence with an unnamed tributary (W 1/2, S15, T87N, R8W, Buchanan Co.)	1
	<u>Unnamed Cr.</u>	
18.	Mouth (SE 1/4, S28, T88N, R8W, Buchanan Co.) to confluence with an unnamed tributary (SE 1/4, NW 1/4, S22, T88N, R8W, Buchanan Co.)	1
	<u>Harter Cr.</u>	
19.	Mouth (S27, T89N, R9W, Buchanan Co.) to confluence with an unnamed tributary (W 1/2, S23, T89N, R9W, Buchanan Co.)	0.5
	<u>Otter Cr.</u>	
20.	Lake Oelwein to confluence with an unnamed tributary (S18, T91N, R9W, Fayette Co.)	2
	<u>Hunter Cr.</u>	
21.	Mouth (S6, T89N, R9W, Buchanan Co.) to confluence with an unnamed tributary (Center, S20, T90N, R9W, Buchanan Co.)	0.5
	<u>East Branch Otter Cr.</u>	
22.	Mouth (S22, T90N, R9W, Buchanan Co.) to confluence with an unnamed tributary (NE 1/4, S14, T90N, R9W, Buchanan Co.)	0.5
	<u>Spring Cr.</u>	
23.	Mouth (S2, T94N, R13W, Chickasaw Co.) to N line of S35, T95N, R13W, Chickasaw Co.)	2
	<u>Pik Cr.</u>	
24.	Mouth (S1, T96N, R14W, Chickasaw Co.) to confluence with an unnamed tributary (SW1/4, S20, T97N, R13W, Chickasaw Co.)	2

E93May-62

# Environmental Protection Commission Minutes

May 1993

	Protected Flow (cfs)
(Mississippi R. Tributaries)	
<u>Rock Cr.</u>	
25. Mouth (S31, T81N, R6E, Clinton Co.) to confluence with an unnamed tributary (S23, T81N, R5E, Clinton Co.)	0.5
<u>Will Cr.</u>	
26. Mouth (Clinton Co.) to confluence with an unnamed tributary (S26, T82N, R6E, Clinton Co.)	2
(Maquoketa R. Tributaries)	
<u>Sugar Cr.</u>	
27. Mouth (S30, T84N, R5E, Jackson Co.) to confluence with an unnamed tributary (S5, T83W, R4E, Clinton Co.)	0.5
<u>Prairie Cr.</u>	
28. Mouth (S17, T84N, R1E, Jackson Co.) to confluence with an unnamed tributary (S2, T83W, R1E, Jackson Co.)	1.0
(N. Fork Maquoketa R. Tributaries)	
<u>Johns Cr.</u>	
29. Mouth (S26, T87W, R1W, Dubuque Co.) to confluence with Bakers Cr. (S36, T88N, R2W, Dubuque Co.)	0.5
<u>Durion Cr.</u>	
30. Mouth (S36, T88N, R3W, Delaware Co.) to confluence with an unnamed tributary (S20, T88N, R2W, Dubuque Co.)	1.0
<u>Hewitt Cr.</u>	
31. Mouth (S 29/30 line, T89N, R2W, Dubuque Co.) to confluence with Hickory Cr. (S21, T89N, R2W, Dubuque Co.)	0.5
<u>Hickory Cr.</u>	
32. Mouth (S21, T89N, R2W, Dubuque Co.) to confluence with an unnamed tributary (SE 1/4, S14, T89N, R2W, Dubuque Co.)	0.5
(Maquoketa R. tributaries again)	
<u>Bear Cr. (aka Big Bear Cr.)</u>	
33. Confluence with Beers Cr. (S22/23, T84N, R1E, Jackson Co.) to confluence with an unnamed tributary (W 1/2, S28, T84N, R1W, Jones Co.)	1.5
<u>Beers Cr.</u>	
34. Mouth (S22/23, T84N, R1E, Jackson Co.) to confluence with an unnamed tributary (S9, T84N, R1W, Jones Co.)	0.5
<u>Nitty Cr.</u>	
35. Mouth (S22, T86N, R3W, Jones Co.) to confluence with an unnamed tributary (SE 1/4, S27, T86N, R3W, Jones Co.)	1.0
<u>Silver Cr.</u>	
36. Mouth (S8, T86N, R3W, Jones Co.) to confluence with an unnamed tributary (S10, T86N, R4W, Jones Co.)	1.0
<u>Buck Cr.</u>	
37. Mouth (S11, T87N, R4W, Delaware Co.) to confluence with Golden Branch (S11, T87N, R5W, Delaware Co.)	1.0
<u>Plum Cr.</u>	
38. Confluence with an unnamed tributary (S24, T89N, R4W, Delaware Co.) to confluence with an unnamed tributary (S8, T89N, R4W, Delaware Co.)	0.5
<u>Tete des Morts Cr. (aka Tete des Morts R.)</u>	
39. Confluence with Lux Creek (S7, T87N, R4E, Jackson Co.) to confluence with an unnamed tributary (SW1/4, NE1/4, S32, T88N, R3E, Dubuque Co.)	0.5
<u>Lux Cr.</u>	
40. Mouth (S7, T87N, R4E, Jackson Co.) to confluence with an unnamed tributary (S35, T88N, R3E, Dubuque Co.)	0.5
<u>Catfish Creek tributaries</u>	
<u>Granger Cr.</u>	
41. Mouth (Dubuque Co.) to county road bridge crossing (S24, T88N, R2E, Dubuque Co.)	1

E93May-63

	Protected Flow (cfs)
42. <u>Middle Fk. Catfish Cr.</u> (aka M. Fk. Catfish Cr.) Mouth (S1, T88N, R2E, Dubuque Co.) to West line of S30, T89N, R2E, Dubuque Co.)	0.5
43. <u>North Fk. Catfish Cr.</u> Mouth (S35, T89N, R2E, Dubuque Co.) to Hwy 20 bridge crossing (S27, T89N, R2E, Dubuque Co.)	0.5
<u>Little Macquoketa R.</u> <u>Clio Branch</u>	
44. West line S5, T89N, R2E, Dubuque Co.) to confluence with an unnamed tributary in S16, T89N, R2E, Dubuque Co.)	0.5
TURKEY RIVER SUBBASIN	
(Volga R. Tributaries)	
<u>Rabbit Cr.</u>	
45. Mouth (S17, T91N, R4W, Clayton Co.) to confluence with an unnamed tributary (NE 1/4, S31, T91N, R4W, Clayton Co.)	0.5
(Turkey R. Tributaries)	
<u>Rogers Cr.</u>	
46. Mouth (Winneshiek Co.) to confluence with Goddard Cr. and Krumm Cr. (Winneshiek Co.)	0.5
UPPER IOWA RIVER SUBBASIN	
(Upper Iowa R. Tributaries)	
<u>Silver Cr.</u> (Mouth in Winneshiek Co.)	
47. N line of S26, T100, R9W, Winneshiek Co. to Hwy 52 bridge crossing (Winneshiek Co.)	0.5
<u>Silver Cr.</u> (Mouth in Winneshiek Co.)	
48. Confluence with Mullens Cr. (Howard Co.) to W line of S12, T99N, R11W, Howard Co.	0.5
<u>Minger Cr.</u>	
49. Mouth (Winneshiek Co.) to confluence with an unnamed tributary (E1/2, S1, T99N, R11W, Howard Co.	0.5
<u>Unnamed Cr.</u>	
50. Mouth (S21, T100N, R12W, Howard Co.) to confluence with an unnamed tributary in NW1/4, SW1/4, S28, T100N, R12W, Howard Co. (near Lime Springs)	1

(A copy of the Public Participation Responsiveness Summary is on file in the department's Records Center)

Mr. McAllister stated that comments were received from 31 people at the five public hearings along with 58 written comments. He noted that the first comment in the summary pertains to Unnamed Creek in the Northeastern River Basin, which Mr. George TeKippe spoke about earlier. Mr. McAllister stated that all streams were visited during low flow conditions and evaluated by using a systematic method determining what the stream looks like, what the flow is, and whether there are holes or pools. He added that shocking equipment is used to determine the aquatic life located in the streams. As a result of the evaluation used, staff feel that these streams are proposed for proper classification. Mr. McAllister stated that the City of Winthrop started constructing their wastewater treatment plant before the department was aware of it, and the staff could have advised them of what their effluent limits would have been if they had known.



Mr. McAllister noted that people in the Southeast Iowa area were interpreting the rules to say that no maintenance would be allowed on their drainage ditches. He added that they have been provided with a written statement, the same as the one attached to the responsiveness summary, which clearly states that the department cannot keep the drainage districts from maintaining their ditches. He noted that the rules do not contain specific language saying that maintenance of drainage districts can take place and that anti-degradation rule does not apply. Mr. McAllister related that the department proposed, in the responsiveness summary, that if that was something needed to better explain things it could be added but the department would prefer to do it in a different rulemaking process.

Charlotte Mohr asked when it would be done.

Mr. McAllister stated that staff has the wording alternative that was provided by Senator Priebe and the wording alternative that was provided by Scott Power, and staff has also developed some possible wording which could be brought back for an informational item next month.

Rozanne King asked if the Commission could approve the rules today but delete the drainage ditches from the rules. She related that she would like more information on how the department determined the designation for Unnamed Creek and how ammonia levels are impacted.

Nancylee Siebenmann asked if there is something in the literature that speaks to the benefits of ammonia removal on aquatic life.

Mr. McAllister stated that a rule was adopted on Chapter 61 which has a whole table on ammonia showing pollutants that vary in toxicity, based on the Ph and temperature. The rule also contained a support document outlining the use of those values to determine permit limits for dischargers.

*Motion was made by Rozanne King to approve Final Rule--Chapter 61, Water Quality Standards Stream Use Designation - Phase V with the exception of the drainage ditches and Unnamed Creek in the Northeastern River Basin. Seconded by Charlotte Mohr.*

Commissioner King stated that she would like more information on how the department made the designation for the Unnamed Creek which would affect the City of Winthrop. She requested that staff come back with a separate rule on drainage districts next month.

*Vote on Commissioner King's motion carried unanimously.*

**APPROVED WITH SPECIFIC EXCEPTIONS**

**NOTICE OF INTENDED ACTION--CHAPTER 136, UST FINANCIAL RESPONSIBILITY AMENDMENTS**

May 1993

Environmental Protection Commission Minutes

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission is asked to approve Notice of Intended Action for the attached amendments to Chapter 136, "Financial Responsibility for Underground Storage Tanks." The proposed amendments add four new mechanisms for local governments, including separately chartered and operated special districts (i.e. public transit systems, redevelopment authorities) and school districts, to show financial responsibility for corrective action and third party liability for releases from their petroleum underground storage tanks.

The amendments adopt changes made in the federal underground storage tank regulations. Iowa Code section 455.474, subsection 7, requires the department's rules to be consistent and not to exceed the requirements of the federal regulations.

(A copy of the rule is on file in the department's Records Center)

Mr. McAllister gave a detailed review of the rules and noted that they are consistent with the federal rules in this area.

*Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 136, Amendments - UST Financial Responsibility. Seconded by Charlotte Mohr. Motion carried unanimously*

Margaret Pahl asked in regards to meeting the multi-government bond rating test, if a city meets the rating by Moody's or Standard & Poor's and if they are at their bond limit and have no capacity left to bond, would they still be considered as meeting the requirement to show financial responsibility.

Mr. McAllister stated that he doesn't think that would be appropriate and he will clarify that point before it goes to Final Rule.

APPROVED AS PRESENTED

Mr. McAllister stated that the date listed for the public hearing is incorrect and will be pushed back about one month.

**PROPOSED RULE--CHAPTERS 100, 103, AND 111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS**

Darrell McAllister, Bureau Chief, Water Quality Bureau, presented the following item.

In 1987 the legislature amended 455B and required rules for operators of sanitary landfills to provide financial assurance for closure and post-closure care and rules that operators of sanitary landfills may have to install shafts to relieve the accumulation of gas in the landfill.

It is proposed that chapter 100 be amended to add definitions for "municipal solid waste landfill" and "lower explosive limit".

Chapter 103 is proposed to be amended to incorporate explosive gas monitoring requirements at landfills and to require corrective action if the limits are exceeded. Chapter 103 is also proposed to be amended to require municipal solid waste landfills to comply with financial assurance requirements.

It is proposed that chapter 111 be added to provide criteria for establishing financial assurance and the acceptable financial assurance mechanisms for closure, post-closure care, and corrective action at a municipal solid waste landfill. Financial assurance for corrective action is not specifically stated in 455B.304(8) but is included in these proposed rules because it is a requirement in order to obtain approval for the EPA RCRA Subtitle D solid waste program.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. McAllister gave a detailed explanation of the rules.

Brief discussion followed.

INFORMATIONAL ONLY

**PROPOSED CONTESTED CASE DECISION--WASTE SYSTEMS CORPORATION**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 11, 1993, the Department issued an amendment to Administrative Order No. 92-SW-14, directed to Waste Systems Corporation and Ronald G. Roth. That action directed that the parties cease disposal of solid waste at the Winnebago County Sanitary Landfill and comply with operational requirements until all necessary permit renewal documents were submitted and a permit renewal was obtained. That action was appealed and a Stay was requested, and the issue of Stay proceeded to administrative hearing on February 10 and 11, 1993. The Administrative Law Judge issued the attached Findings of Fact, Conclusions of Law, and Order on April 2, 1993. The decision grants the Stay.

May 1993

Environmental Protection Commission Minutes

The Commission may decide on its own motion to review the Decision. A hearing on the merits of the appeal of the initial Administrative Order and other pertinent matters is set for May 18, 1993. The Decision in that matter will come before the Commission at a later date.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the the Administrative Law Judge decision in the absence of an appeal.

**ALJ DECISION UPHELD**

**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Dubuque - Wastewater
- b. International Hydrofoam, Inc. (Pella) - Tanks/Hazardous Condition
- c. David Young, d/b/a Sierp Oil Co. (Casey) - Tanks
- d. Jack Link Truck Line, Inc. (Dyersville) - Tanks
- e. Tim Sharp (Newton) - Tanks
- f. Bernard Gavin (Wellsburg) - Tanks
- g. Robert Plendl, d/b/a Plendl Bros. Trucking (Kingsley) - Tanks
- h. Dennis Doud, d/b/a D & D Tire (Moravia) - Tanks

**City of Dubuque**

Mr. Murphy stated that staff will withdraw the referral as they have met with the city and tentatively reached agreement to solve it with a consent order.

**REFERRAL WITHDRAWN**

**International Hydrofoam**

Mr. Murphy briefed the Commission on the history of this case involving a tank site assessment.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

**REFERRED**

**David Young, d/b/a Sierp Oil Co.**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

Charlotte Mohr pointed out typing errors in the dates on several pages of the litigation report.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

**REFERRED**

**Jack Link Truck Line, Inc.**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.*

**REFERRED**

May 1993

Environmental Protection Commission Minutes

**Tim Sharp**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

Brief discussion followed.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Margaret Prah. Motion carried unanimously.*

REFERRED

**Bernard Gavin**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

Brief discussion followed.

*Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

REFERRED

**Robert Plendl**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

REFERRED

**Dennis Doud**

Mr. Murphy briefed the Commission on the history of this case involving a UST closure.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

REFERRED

LEGISLATION UPDATE

Don Paulin, Deputy Director, distributed the following list of bills of concern and expanded on same.

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION LEGISLATIVE PROPOSALS  
1993 LEGISLATIVE SESSION

HF331 is on Governor's desk.

AIR QUALITY AUTHORITY CORRECTIONS NECESSARY TO IMPLEMENT  
THE NEW FEDERAL CLEAN AIR ACT

During the 1992 legislative session, the department proposed several amendments to our air quality authority which are necessary to implement the new federal clean air act. The amendments were not adopted in final form during 1992. The changes are absolutely needed this year, as the department must submit its final package to US EPA in November 1993 in order for Iowa to retain delegation of the federal air quality program.

Received little consideration in House, was passed in Senate committee, but deleted on floor.

CREATE AN ENVIRONMENTAL PROTECTION FUND

Establish a fund which would receive user fees in air quality, solid waste, water supply, and water quality areas. These moneys will be used to fund the administrative costs of the department in operating the programs of appropriate sections of Chapter 455B. User fees would be obtained by requiring that rules be adopted which establish a schedule of fees for permits and conditional permits issued by the department, and a schedule of fees to be periodically assessed for the administration of the permits.

This proposal was introduced during the 1992 session, but a final bill was not adopted. Funding of environmental protection programs is now at a critical stage. Wastewater program funding was handled through the old construction grants program; this source was eliminated in 1990, any reserve has been depleted. Solid waste programs have been operating off of oil overcharge funds, and this funding source will be exhausted after 1993. The drinking water program needs to be expanded due to increasing federal requirements. An adequate and reliable source of funding for these programs needs to be established.

Received funding from landfill fees in appropriation bill.

FUNDING FOR WASTE REDUCTION ASSISTANCE PROGRAM (WRAP)

This technical assistance program, available free of charge to large businesses and RCRA large quantity generators, provides on-site pollution prevention assistance. The WRAP program helps companies review plant operations and identify waste reduction and cost saving opportunities. Currently, the program is supported by a US EPA grant; however, FY 93 is the final year for funding. Alternative funding sources have been proposed during the last two legislative sessions, but have not yet been adopted. This proposal, which raises fees on hazardous waste generation, transport, and disposal, would provide a permanent funding source.

Received little consideration in House.  
Passed Senate comm., died on floor.

WASTE OIL COLLECTION

Current state law does not ensure reasonable access by the public to proper facilities for disposal of this waste. This proposal would significantly increase public access, by requiring that all persons selling oil at retail also collect waste oil from the consumer.

Received little consideration in either house.

MINIMIZE PRODUCT PACKAGING AND INCREASE PACKAGE  
RECYCLABILITY

Packaging and packaging components comprise almost one-third of the municipal solid waste stream, yet strategies for reducing this portion of the solid waste stream have not focused on reduction at the source. The Coalition of Northeastern Governors has developed model legislation on packaging which does focus on source reduction. The legislation would require manufacturers, distributors, and retailers to reduce excess packaging and encourage recyclability of packaging that is used. This waste reduction strategy could be adopted as an augmentation to Iowa's current solid waste management program. The proposal does require that two other states adopt similar legislation before Iowa's law would become effective. The department estimates that two additional staff will be necessary to carry out this program.



May 1993

## Environmental Protection Commission Minutes

Packaged together, (by Legislative Service Bureau) these two bills received little consideration in House. Passed Senate committee, died on floor.

Passed as part of non-controversial code editors bill.

### INCLUDE COLLECTION OF RECYCLABLES AS A REQUIREMENT IN CONSTRUCTION

This proposal would require that new, multi-family (24 or more units) and business construction (housing more than 50 employees) provide facilities for the collection of recyclables, if they provide for the collection of solid waste. Collection could include, but would not have to be limited to, paper, plastic, glass, and metal.

### EXPANDING PROCUREMENT POLICIES TO INCLUDE LOCAL GOVERNMENTS

Require local governments to establish procurement policies which encourage use of products with recycled content. An extension of this would be to require that local governments also institute office recycling programs.

### STORMWATER PERMIT AUTHORITY TECHNICAL CORRECTION

Add Part "1" to 455B.103A. (stormwater general permit enforcement authority). The number "1" was inadvertently left out of language that was in the department's appropriations bill this past session.

Mr. Paulin gave the following status of various bills broken down into three categories.

<u>Passed</u>	<u>Did Not Pass</u>	<u>Passed Though One Chamber and Will Be Alive for Next Year</u>
Ag Enterprise Bill	Bottle & Can Redemption	Chemical Emergency Fund
	Coal Deposit in Strip Mines	Stormwater Notice Publication in only one newspaper
	Repeal Ban on Alar	Legislature to regulate nuclear waste disposal sites
	Requirement to publish notice in newspaper for spill on own property	
	Fees for Hazardous Materials Carried on Barges	
	Requirement for Inerts Registration	
	Create Lead Inspector	
	Increase Penalty on Littering	

### Also Became Law

Polystyrene Bill (extended to take effect 1996)

Moratorium on Infectious Waste Treatment (extended one year)

UST bill - now may revoke or suspend groundwater professional authorizations

Appropriations bill took \$900,000 of the ADM penalty money and put it in an Animal Nutrient Bill. This bill also denied DNR authority to regulate grain dust from elevators, but only until the Clean Air Act takes effect.

Discussion followed regarding the Environmental Protection Fund.

INFORMATIONAL ONLY

**GENERAL DISCUSSION**

Teresa Hay reviewed that the Commission indicated they wanted several representatives to sit in on the review group for the Landfill Alternative Grants Program.

Chairperson Hartsuck appointed Charlotte Mohr, Clark Yeager, and himself to serve on the subcommittee to review the grants program.

Consensus of the Commission was that the subcommittee meetings do not need to be in conjunction with a regular Commission meeting.

**NEXT MEETING DATES**

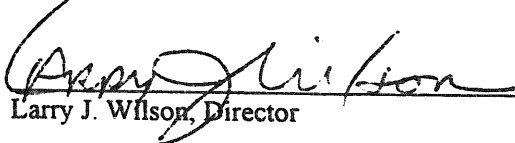
June 21, 1993 (Des Moines) with tour on Tuesday, June 22, in the Carroll vicinity.

July 19, 1993

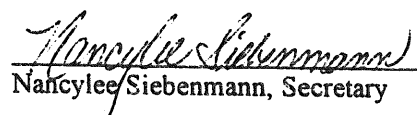
August 16, 1993

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:20 p.m., Monday, May 17, 1993.

  
Larry J. Wilson, Director

  
Richard Hartsuck, Chairperson

  
Nancy Lee Siebenmann, Secretary

INDEX

A

Adjournment, 73  
Adoption of Agenda, 1  
Appointment  
    Power, Scott (stream use designation rules), 12  
    Robey, Patrick (Harlan Pruess contested case), 35  
Approval of Minutes, 2

C

Call to Order, 1  
City of Dubuque  
    Referrals to the Attorney General, 69  
Commissioners Absent, 1  
Commissioners Present, 1  
Contested Case Decision  
    Appeal  
        Pruess, Harlan and Elaine, 35  
    Proposed  
        Waste Systems Corporation, 67  
Contracts  
    Section 319 Nonpoint Pollution Control Project  
        DALS  
            Centerville City Reservoirs, 2  
            Lake Keomah, 2

D

Doud, Dennis  
    Referrals to the Attorney General, 70

E

Election of Officers, 1

F

Final Rule  
    Chapter 213, Packaging - Heavy Metal Content, 12

Chapter 61--Water Quality Standards -  
    Use Designations - Phase V, 38

Financial Assurance Requirements for  
    Municipal Solid Waste Landfills--  
        Chapters 100, 103, and 111  
        Proposed Rule, 66  
Financial Status Report, 3

G

Gavin, Bernard  
    Referrals to the Attorney General, 70

I

International Hydrofoam  
    Referrals to the Attorney General, 69

L

Legislation  
    Update, 71  
Link, Jack, Truck Line, Inc.  
    Referrals to the Attorney General, 69

M

McCarthy, Betty - Public Participation  
    (special waste authorizations), 9  
Monthly Reports, 19

N

Notice of Intended Action  
    Chapter 136, UST Financial  
    Responsibility Amendments, 65

P

Packaging - Heavy Metal Content--Chapter  
    213  
    Final Rule, 12  
Plendl, Robert  
    Referrals to the Attorney General, 70  
Power, Scott - Appointment (stream use  
    designation rules), 12  
Proposed Rule

Chapters 100, 103, and 111, Financial Assurance Requirements for Municipal Solid Waste Landfills, 66

Pruess, Harlan and Elaine  
Contested Case Decision  
Appeal, 35

Public Participation

George TeKippe (stream use designation), 6

McCarthy, Betty (special waste authorizations), 9

Smith, Tim (heavy metal content rules), 9

Public Water Supply Information Videos, 34

R

Referrals to the Attorney General

City of Dubuque, 69

Doud, Dennis, 70

Gavin, Bernard, 70

International Hydrofoam, 69

Link, Jack, Truck Line Inc., 69

Plendl, Robert, 70

Sharp, Tim, 70

Young, David d/b/a Sierp Oil Co., 69

Robey, Patrick - Appointment (Harlan Preuss contested case), 35

S

Section 319 Nonpoint Pollution Control  
Project

DALS

Centerville City Reservoirs, 2

Section 319 Nonpoint Pollution Control  
Project Contracts

DALS

Lake Keomah, 2

Sharp, Tim

Referrals to the Attorney General, 70

Sierp Oil Co. (David Young)

Referrals to the Attorney General, 69

Smith, Tim - Public Participation (heavy metal content rules), 9

T

TeKippe, George - Public Participation  
(stream use designation), 6

U

UST Financial Responsibility Amendments-  
-Chapter 136

Notice of Intended Action, 65

W

Waste Systems Corporation

Contested Case Decision

Proposed, 67

Water Quality Standards - Use Designation -  
Phase V--Chapter 61

Final Rule, 38

Y

Young, David d/d/a Sierp Oil Co.

Referrals to the Attorney General, 69